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A world of ideas on public policy.

Incremental Innovation Improves Patient Health

by Albert I. Wertheimer

The process of repeated incremental improvement is the predominant mechanism of innovation and product development within most manufacturing and high-technology companies, including pharmaceutical companies. In fact, the history of clinical pharmacology is characterized by incremental improvements in the safety, efficacy, selectivity, and utility of drugs within a given class. Some critics believe that these incremental advances are too costly and do not ultimately benefit the consumer. In this view, new agents in a class are merely "me-too" drugs with no significant differences from the original agents. This is a misconception. The new medicines resulting from this evolutionary process can offer advantages in terms of improved efficacy, better patient satisfaction and compliance and, in many cases, cost savings.

The existence of multiple agents within a given drug class offers many advantages. One is the availability of alternative agents in cases of treatment failure, and of backup in case an agent is withdrawn from the market. The development of drug product classes is analogous to the evolution of biological species, and the advantages of diversity within groups of pharmaceutical products (i.e., "pharmacodiversity") are similar to the advantages of biodiversity. Within a drug class, products with varying features compete for patients. The emergence of new disease and patient targets expands the role of some agents; others are disadvantaged by newly discovered adverse effects. Thus, those products that are the best "fit" for their environment dominate the marketplace. Other products may become extinct and still others maintain positions in "niche markets."

The availability of multiple agents within a drug class also makes it possible to vary dosage delivery systems and dosage forms, which in turn allows extended uses with a variety of patient populations. Advanced delivery systems provide sustained therapeutic drug levels for long periods of time, can enable the use of smaller or fewer doses, allow a less invasive mode of administration, and prolong circulation of short-lived compounds. Newer drugs in a therapeutic class often represent improvements in therapeutic and adverse effects profiles, metabolism, dosing schedules, ease of administration, and other features. These findings apply to drug classes used to treat many common diseases and patient groups, especially the elderly.

The process of incremental innovation has resulted in striking improvements in existing drug therapy and patient care, and in some cases in reduced total costs for therapy

Moreover, patient responses to and toleration of agents are subject to great individual variations. The availability of a broad range of medicines gives physicians a "tool chest" for treating the individual needs of diverse patients with precision, as well as for giving those patients options when the first agent used is either ineffective or not well-tolerated.

In addition, some incremental innovations have been associated with overall cost savings. Newer agents of a class, or new formulations of existing agents, often enable new cost-effective uses or more efficient treatment for the original indication. These savings can come from reduced overall treatment costs due to shortened or eliminated hospital stays, less need for surgery, increased worker efficiency, and less absenteeism. Moreover, since incremental innovations must compete with their predecessors for market share, they are often priced at a discount. New drugs in a class are frequently priced lower than existing agents within that class.

Policies that limit the availability of incremental drug innovations may deny access to important therapies, reduce competition, and erode incentives for research. Over time, the process of incremental innovation has resulted in striking improvements in existing drug therapy and patient care, and in some cases in reduced total costs for therapy. However, short-term attempts to contain current costs, in the form of price controls or limitations on reimbursement for incremental innovations, may reduce incentives for research on these products. Access to important therapies could be reduced and competition within drug classes could diminish. Therapeutics would become less differentiated; the "average patient" would be treated with the "average drug." Patients with more specific needs would not receive individualized treatment because more selective pharmaceutical therapies would not exist.

Policy makers must weigh the risks and benefits associated with cost-containment tactics that limit the availability of incremental pharmaceutical innovation. Since drug therapy is generally agreed to be the most cost-effective treatment modality, the economic as well as the clinical stakes are high.

Albert I. Wertheimer, Ph.D., M.B.A., is director of th Center for Pharmaceutical Health Services Researc at Temple University School of Pharmacy. This articl is based on a longer study – "Too Many Drugs The Clinical and Economic Value of Incrementa Innovations," co-authored with Richard Levy, Ph.I and Thomas W. O'Connor, Pharm.D., M.B.A – that we published in Investing in Health: The Social and Econom Benefits of Health Care Innovation, *vol. 14 (2001 pp. 77-118. The full study is available online http://www.npcnow.org/productlist/PDF/toomanydrugs.pd*

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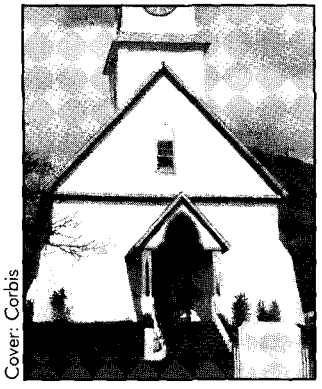

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Sy Hersh's Conniption Fit

THE SCRAPBOOK admits to having enjoyed watching investigative reporter Seymour Hersh tweak the establishment over the years, even as his critics denounced him as a half-baked hatchet man. After all, when professional Kennedy-family apple-polisher Ted Sorensen decries Hersh's *Dark Side of Camelot* as "a pathetic collection of wild stories"—well, one would have to have a heart of stone to read that without laughing.

But lately we're wondering if Sorensen was onto something. In an April 26 speech to the Chicago Headline Club (which we found on Jim Romenesko's MediaNews website), Hersh gave what *Chicago* magazine called an "often rambling . . . provocative analysis of the American government's response to 9/11" in which the reporter started "far more sentences than he finished."

Hersh's strongest criticism was reserved for the U.S. government's supposed flouting of the Constitution in its treatment of Zacarias Moussaoui, the so-called "20th hijacker." Calling Moussaoui a "walking dead man" holed up inhumanely in a six-by-six windowless "cage" (also known as "jail"), Hersh claimed the government's indictment of the self-described "slave to Allah" doesn't "allege one specific act that means anything. . . . He flew. He was interested in crop dusting, as most professional young pilots are, because crop dusting is the way, once you get a license, you can keep on flying for free. It's sort of a great first job." Yeah, right.

The government's indictment quite persuasively notes that the man the award-winning investigative reporter has mistaken for an aspiring cropduster took Boeing 747 flight simulator training, as the hijackers did; was found to possess flight manuals and knives; was wired money orders from Mohamed Atta's former roommate; and, oh yeah, attended an al Qaeda-affiliated training camp in Afghanistan.

Hersh thinks it significant that Moussaoui's "got a master's degree in international relations; he's lived in England; he's quite an articulate man; he's not at all dumb." Why this impresses Hersh, we really don't want to speculate, but he seems to conclude from Moussaoui's credentials that this somehow makes him less dangerous and more deserving of jailhouse perks. That would include unfettered access to his lawyers, which the government has limited because of the ongoing threat of terrorism. Hersh is convinced the government is full of malarkey. Because if Moussaoui were so dangerous, he reasons, why was he allowed to rant in open court about the destruction of America?

Maybe, just maybe, Moussaoui wasn't muzzled because the government actually cares for due process. Then too, if Moussaoui hadn't been allowed his spiel, cranks like Hersh probably would have screamed that the government was censoring him. Hersh's big applause line was to call Attorney General John Ashcroft "demented." Sounds to us like the pot calling the kettle cracked. ♦

O Little Lies of Bethlehem

There was something apocalyptic in all the images of the Church of the Nativity on fire in Bethlehem—which is, of course, the reason we saw so many pictures of it: "When He opened the seventh seal, there was silence in heaven for about half an hour. . . . Then the angel took the censer, filled it with fire from the altar, and threw it to the earth. And there were noises, thunderings, lightnings, and an earthquake."

Once the siege of Arafat's compound ended, the Palestinian gunmen holding the church became the primary media flashpoint in the ongoing war. Indeed, Arafat's first statement upon his release was to call the Israelis "terrorists, Nazis, and racists" for their actions in Bethlehem. Which is more than a little obscene.

But we were particularly amazed by the account from the *Washington Post*'s correspondent, Doug Struck, who cast in a soft, golden light his interview with a Palestinian construction worker named Abed Rabbo, a Muslim whom the Israelis had allowed to leave the church.

"In a soft, calm voice, Abed Rabbo said he felt spiritually buoyed by the experience," Struck informs us. "'Physically, it was hard. Spiritually, it was definitely good,' he said. 'The month that we stayed in there made me understand how the early Christians made it through the hardships they went through, as well as the early Muslims. Jesus, in history, went through a lot of hardships caused by the Jews. Finally, he won and came out victorious. I think we had the same experience.'"

Forget, for a moment, the bad history and theology here, the parody of old-fashioned, vulgar anti-Semitism, and think: In what other situation would the *Washington Post* allow a writer to quote—as the fruit of spiritual experience—a description of the Jews as Christ killers? ♦

Hu's on First

On his first visit to America last week, China's vice president and next supreme leader, Hu Jintao, lobbied members of Congress to pass the watered-down Export Administration Act. Hu knew his audience. He suggested that efforts to toughen the bill would be read by Beijing as an attempt to frustrate China's ability to buy high-tech products from the United States and

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that, in turn, China would find it difficult to buy U.S. agricultural goods. Subtle.

Of course, it's not clear Hu and Beijing have all that much to worry about in any case. Courtesy of Fred Thompson, the admirable senator from Tennessee, we know from a GAO report on the sale of American semiconductor manufacturing equipment to China that controls have already been gutted. In the space of little more than a decade, U.S. exports to China allowed it to go from being generations behind America in "chip" making capabilities to virtually even. China is now able to produce semiconductors that are more advanced than those used in many of our most advanced weapons systems.

But, you object, mandatory end-user checks required by law would prevent the Chinese from using the manufacturing equipment for inappropriate purposes. Well, yeah—if any had ever been conducted. However, according to the GAO report, U.S. officials assigned this job have not conducted any of these checks in the last five years. Okay, but couldn't China have obtained the goods from other countries? Well, maybe. But the Commerce Department hasn't done a "foreign availability" assessment since the mid-1980s. Why lawmakers are even bothering to rewrite the law is unclear. ♦

Slandering Captain Kelly

Former Republican congressman and full-time Israelophobe Pete McCloskey spoke on April 28 at a "Rescue Mideast Policy" conference in Washington, sponsored by the so-called Council for the National Interest. (U.S. policy needs rescuing from the "awesome power of the American pro-Israeli lobby," as McCloskey put it.) All in all, it was a fairly routine sort of pro-PLO propaganda festival, except for this part of McCloskey's speech, which was called to our attention and can be found on the website *www.rescuemideastpolicy.com*.

"The Israeli occupation of Palestinian territories and the Israelis' heavy-handed repression of Palestinians makes a growing number of Arab and Muslim youngsters 'willing to commit suicide.' [McCloskey] noted that suicide attacks are not unique to the Arab world; one of the early American heroes of World War II was pilot Colin Kelly who made a suicide dive into a Japanese battleship."

Wrong. Kelly was one of the first heroes of World War II, but the idea that he carried out a suicide attack is fictional. He was the captain of a B-17 bomber fired on by the Japanese as it returned to Clark Field in the Philippines, on December 10, 1941. With his plane on fire from enemy attack, he ordered his crew to bail. The rest of the men escaped by parachute, and in guiding the plane so they could get out, Kelly died. His body was found in the wreckage, and he was posthumously awarded the Distinguished Service Cross.

The comparison with suicide bombers is appalling on every level. Kelly's target was a Japanese navy ship, not a sushi bar filled with kids. A decorated Korean War veteran, McCloskey dishonored himself when he dragged the heroic memory of Colin Kelly into the discussion of Palestinian terrorism. ♦

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Casual

The Impossible Dream

They're out there every Sunday, rain or shine, killing time the Manhattan way. They travel as couples, and all four of each couple's eyes are haunted with confusion, downcast with disappointment, glittering with overstimulation. They're standing near the bathroom door at the corner Starbucks waiting their turn, or browsing at Barnes & Noble, or sitting at the counter in a coffee shop.

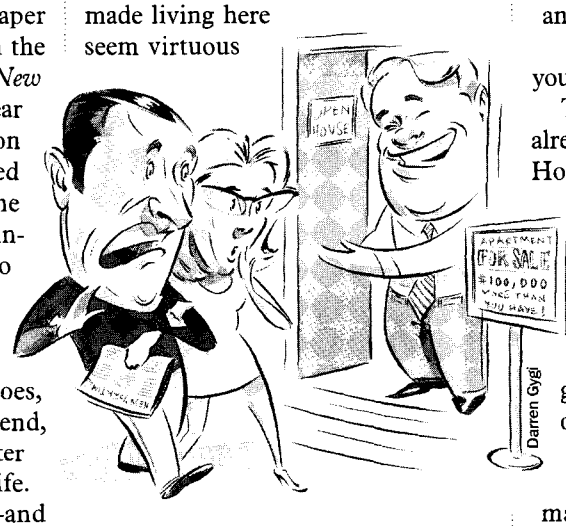
What marks them as a breed apart are the rolled-up pieces of paper they're carrying in one hand and the rolled-up section of the Sunday *New York Times* they're grasping for dear life in the other. The *Times* section is folded over to display classified real-estate advertisements. The pieces of paper come from the dining tables inside the apartments to which they've been directed that day by the *Times*'s real-estate section.

Meet the Open House Hoboes, ceaselessly on the move all weekend, every weekend, in search of a better or happier or more fulfilling life. Many apartment fetishists—and everybody in New York City is an apartment fetishist—live for Sunday, because that's when real-estate agents throw open the doors of the apartments they're selling for about 90 minutes. The Hoboes are killing time because they've seen the first batch of Open Houses between noon and 1:30 and now have to wait a half hour before getting to the second batch, open between 2 and 3:30.

It's possible, on a good day, that 200 people will traipse through an apartment in that short time. There are hundreds of thousands of dwellings on Manhattan island, but the number of apartments for sale in a single price range and size may be no more than 10 on any given Sunday.

The market isn't supposed to be this tight. Many people thought that the combined effects of a slow economy and September 11 would drive apartment prices way down. It's happened before. The New York housing market plunged in the years between 1990 and 1994.

But it hasn't happened this time. The uncertainty in the stock market has evidently caused many people to turn to real estate as a particularly sound investment. And the New York pride following September 11 has made living here seem virtuous and heroic. Therefore, many people want to sell their stock and use the cash for a down payment. Or want to sell their current apartments, take their profit, add some savings from stock sales to it, and trade up for more space.



But still, there's the matter of finding a place.

Some Hoboes are ready to buy. They've got checkbooks in their pockets and a mortgage pre-approval letter in a briefcase. And they've learned from bitter experience that they don't have any time to mull things over. If they don't act, the apartment will be gone. Everybody's lost the apartment of his dreams because he thought he was being responsible by sleeping on it.

If you live in New York City, you may have to commit to a transaction involving sums of money well over $500,000 in the space of a few minutes. Getting to this desperate point is a psychological process. Along the way you'll also discover that you need to spend $100,000 more than you had planned just to get something you might consider livable.

Then you go home, play on the computer with mortgage calculators, and manage to convince yourself that $100,000 is basically nothing. Okay, so it's an extra $1,000 a month. That's a lot of money. But factor in the tax breaks and it's only $610 a month. Then, if you don't take another cab ever again, you can save $200 a month. And if you eat out only twice a month, instead of 10 times a month, you'll save another $300.

So basically, $100,000 will only cost you $100 extra a month! Score!

The Hoboes with checkbooks have already done all this math. The other Hoboes are nowhere near ready to buy. It's not even clear they're really apartment hunting at all.

There are the Dreamier Hoboes, who are doing the real-estate equivalent of window shopping. There are the Sociologist Hoboes, who spend a great deal of time looking at the books on the shelves in the Open Houses.

Then there are the Sadomasochistic Hoboes. They visit places they cannot afford so they can feel worse about the places in which they already live. But when they do go to a place they can afford, they walk around remarking on the appalling way their hosts have arranged the furniture.

"I want," cried Henderson, the protagonist of Saul Bellow's *Henderson the Rain King*. That's what the Hoboes are crying out as well. But where Henderson didn't know what it was he wanted, the Hoboes know all too well. They want a light-filled 3 br/2 ba, sep. DR w/renov EIK in DM bldg steps from Central Park in their price range. And they'll continue to wander in search of it forever.

John Podhoretz

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Johnny No Sent Anthrax

David Tell is right to use handwriting analysis to question the FBI's assertion that the person who wrote the anthrax notes was a native English speaker ("Remember Anthrax?" April 29). Linguistic analysis alone almost guarantees that the sender grew up speaking another language. I teach English to foreigners and could spend 10 minutes explaining to my students why this is not idiomatic English.

To begin with, "you die now" is a classic foreigner's trip-up over the simple present tense, which is only used for repeated actions. ("I work in Arlington.") English has a confusing number of present tenses, and a native speaker would say "you are dying now," "now, you have begun to die," or "you have been dying since you opened this letter." More likely though, the writer would use a future tense, such as "you are going to die," emphasizing what is coming. A native psycho might want to quote the evil emperor from *Star Wars*, who chose a tense that clarified his role in ensuring that "and now, young Jedi, you *will* die."

Idiomatic word usage also seems to be a problem for our terrorist: "We have this anthrax" might just be a misuse of "this" to mean the anthrax the victim just inhaled, or it might be a grammatically correct attempt to point out that they had a particular kind of anthrax. In the former case, a native speaker would intuit that you can't "have" your anthrax and "send" it, too, and so would say something like "we just sent you this anthrax." In the latter case, a native speaker would say something like, "Look what kind of anthrax we have," but then the note would be addressed to the investigators, and not the victim, which seems unlikely.

Of course, given how bad bureaucratic English is, it is not surprising that the FBI would miss all this.

Kenneth A. Killiany
Intensive English Program
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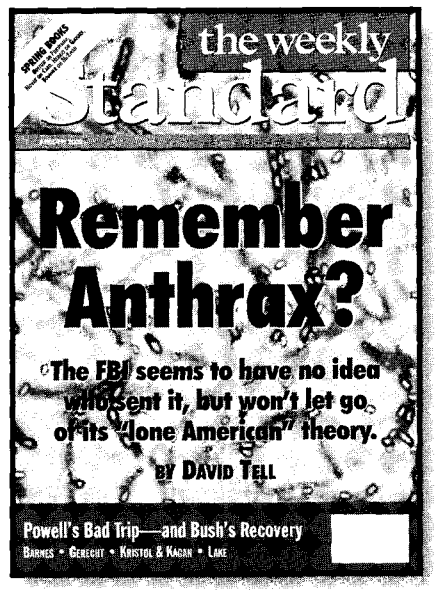
Washington, DC

Social Studies Liberals

Kay Hymowitz is exactly right about the triumph of an anti-patriotic, global-oriented feel-goodism within the National Council for the Social Studies (NCSS), the key secondary social studies teachers' organization ("Anti-Social Studies," May 6).

I would only add this: While Hymowitz is correct to point out NCSS's hostility to real history, the organization does not by any means ignore historical topics at its conferences or in its publications. History is still too central to most social studies programs for it to do that—especially, as she notes, in Texas and California, whose dominance of the textbook adoption process influences many other states as well.

However, history at NCSS is often quite ahistorical and usually skewed



heavily to promote NCSS's leftward ideological bent. One relevant example of how this works is its handling of the Holocaust. At each of the past four annual conferences, anywhere from a dozen to two dozen sessions have been devoted to the Holocaust. Many of these sessions make linkages with a select group of other injustices: the Armenian massacres, the oppression of Native Americans, slavery in the United States, and, of course, racial or ethnic prejudice today.

Meanwhile, I am aware of only one instance of a linkage in these sessions of the Holocaust to the Ukrainian terror famine, the Stalinist Gulag, or any other Communist horror of the past century, though some of these dwarf even the Holocaust in sheer numbers killed. And no sessions to my knowledge have ever been devoted exclusively to these leftist genocides.

In other words, the Holocaust as history is used at NCSS to reinforce a particular worldview, one that is hypercritical of America, market democracies, and the West. I am willing to bet, therefore, that in spite of NCSS's Holocaust infatuation, no future sessions at its conferences will deal with the Nazi-like levels of anti-Semitism in the Arab world now or the rising tide of leftist and Muslim anti-Semitism (as opposed to the Le Pen variety) in Europe. These cry out for the attention of those who love to insist "Never Again." But we shall see if they get that attention at NCSS.

This selective and tendentious use of history by NCSS needs to be criticized vigorously. Unfortunately, as in many academic fields today, a spirit of self-criticism of this sort is absent in NCSS but for a tiny group of contrarians who labor nobly in profound isolation.

Therefore it is vital that more outsiders to the profession of Hymowitz's stature throw open the window on NCSS and let some fresh air in.

Jonathan Burack
Stoughton, WI

The Sage of Tyranny

Dinesh D'Souza's summary of Sayyid Qutb's operating assumption—that radical Islam is superior because it makes Allah-driven "virtue" the only purpose of civilization—and his answer—that freedom is a gift from God that generates virtue—are both startling and powerful claims ("Osama's Brain," April 29).

There is plenty of Christian theology (as in Galatians in the New Testament) that shows that freedom coupled with responsibility, encouraging individualism, is an essential experience of faith. This is true even in more "conservative" denominations.

But some libertarian scholars, such as Rose Wilder Lane and Imad-ad-Dean Ahmad, have pointed out the great cultural, and rather worldly, achievements of Islam a millennium ago. Islam fell into poverty and into a rather cynical and radical fundamentalism like Qutb's because

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of gradual political corruption in which the state became supreme. So Qutb's is only one view of Islam. We know that the same thing can happen in Christianity.

Virtue, in all simplicity, must have a lot to do with a person's balancing his or her own personal expressive aims with the real needs of others. Both "family values" and religion appropriately address this dichotomy. Both family and faith strive to balance the possibly brutal consequences of overemphasis on personal competitiveness with the need to be oneself.

BILL BOUSHKA
Minneapolis, MN

I READ DINESH D'SOUZA's "Osama's Brain" concerning Sayyid Qutb with great interest. I am frankly astonished that few other news journals have written about his influence on Islam. I thought the essay went a bit easy on his writings, but that it was terrific overall.

I had no knowledge of Qutb or his writings until September 11. After the terrorist attacks, I went on a reading binge, from Peter Bergen's *Holy War, Inc.* to Karen Armstrong's *The Battle For God* to Thomas Friedman's *From Beirut to Jerusalem* to Robert Fisk's *Pity the Nation*.

As the writings of Qutb reveal a radicalized Islam that should be paid more attention, we likewise cannot pay enough attention to the fact that Islam as a rule makes invisible half its population.

After the thousands of pages I have read in the past six months, the only woman mentioned is Golda Meir, and that fills about two or three paragraphs in *From Beirut to Jerusalem*. Is this "women don't exist" stuff really just a result of radical Islam or truly a reason for it?

This question has been weighing heavily on my mind because the usual media outlets seldom mention it, just as they never mention Qutb. I am a dyed-in-the-wool liberal, but I am grateful for D'Souza's analysis that brings to the forefront one of the many dark faces of Islam.

BET MULLIGAN
Inverness, FL

PLEASE HELP YOURSELF

HOW TRUE Christopher Caldwell's Casual about American service employees is ("A Sorry State," April 15).

Northwest Airlines recently opened a new terminal at Detroit Metro Airport. The first two days the terminal was open, they could not even get the trash picked up, which was a nice way to start. Take a picture of the terminal today then come back in two years and take another picture. You will see nothing but a filthy building. Why? Because the same management and employees with the same attitudes just moved from the old terminal to the new terminal.

But Caldwell should look further than the service industry. What about retail? What about K-Mart? Sometimes I think K-Mart employees work for the CIA because you can never find them when you need assistance with something. All we're looking for is a little courtesy and help when we need it.

RICHARD JOHNSON
Metamora, MI

ANTI-SEMITISM FOREVER?

ALTHOUGH IT IS COMFORTING for Jews to be linked somehow to other people, David Brooks is wrong in his assessment of the most enduring "phobia" of the past century ("Among the Bourgeoisophobes," April 15). Anti-Semitism is the most durable ideology of the past and perhaps the next century. The recent attacks on Jews in Europe should convince us that this ideology of hate has not been defeated and that its focus on a small minority touches not just Israel but Jews everywhere. Europeans' equating Israelis with Nazis is their attempt to erase whatever residual guilt they may feel about their role in the extermination of 6 million Jews. No economic theory can explain the almost mythic strength of anti-Semitism.

FAYE REICHWALD
New York, NY

A CASUAL ACQUAINTANCE

THE MAY 6 CASUAL by Joseph Epstein hit on a dilemma that I have been trying to resolve for some time now ("Sorry Charlie"). What is more than an acquaintance but less than a friend? I know them when I see them, but I don't know what to call them. The term "friend" implies a special relationship. I hesitate to call someone a friend who doesn't quite qualify. Yet to call them an acquaintance doesn't describe certain relationships accurately, either.

ERRECA STORY
Mesa, AZ

IN THE LINE OF FIRE

WILLIAM KRISTOL's analysis of Saudi crown prince Abdullah's meeting with President Bush fits exactly with the situation here in the Middle East ("Meanwhile, Back at the Ranch," May 6). THE WEEKLY STANDARD must continue to try to hammer sense into those who think there is any possibility to overcome Islamic terror by negotiating with it.

Of constant concern to me, as an Israeli citizen, is the naiveté of the American people in believing that there is any difference between the Jews and believers in other religions in the eyes of Islam. I have had many conversations with Israeli Arabs during my 55 years here, and I must say their attitude toward violence tends to be that terror is a must and that the state of Israel has no right to exist.

The triumph of Islam means the end of the civilized world as we know it. Islamists are not open to negotiating, and President Bush and Americans should take note that that option does not exist.

BRURIA RIMONI
Israel

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the weekly Standard

Judges Delayed

May 9 is an anniversary worth noting: Last year on that date, President Bush sent Congress the names of 11 judicial nominees for the U.S. circuit courts of appeal. One year later, 3 of them—including 2 Democrats named as a conciliatory gesture—have been confirmed by the Democratic Senate. Of the remaining 8, not one has been so much as scheduled for a hearing.

President Bush on Friday sounded the alarm about a "vacancy crisis" on the federal bench. The White House and Senate Republicans point to the Hearingless 8 to show that the Democratic Senate has dragged its feet unjustifiably in assessing the president's judicial nominees. Senator Patrick Leahy, chairman of the Judiciary Committee, maintains to the contrary that he's been "moving faster on judges than the Republicans ever did for President Clinton." Both sides brandish statistics to prove their case, but Republicans have the better argument, especially when it comes to those first nominees.

In all, President Bush has made 100 nominations to the federal bench, 69 to the district courts, 30 to the circuit courts of appeals, and one to the court of international trade. The Senate has confirmed 43 district judges and 9 circuit judges—a total of 52.

For the most part, the processing of district nominees has given the Republicans little cause for complaint. Most district nominees are being confirmed two to five months from the date of their nomination. Only one from last year hasn't been confirmed. That nominee, Paul Cassell, nominated for a seat in Utah, was finally voted out of committee last week, along with 5 more recent nominees. The remaining 20 nominees—all of them sent up since late January—are in various stages of the confirmation process. Eleven await review by the American Bar Association, which the committee requires before a hearing can be held.

The circuit nominees are a different matter. Hearings are past due not just for the 8 who have been patiently waiting a year. By early August, Bush had designated 11 more circuit nominees. Of those, 6 have been confirmed, and one (Charles Pickering for the 5th Circuit) was rejected in committee on a party-line vote, 10 to 9. Leahy has yet to schedule hearings for any of the remaining 4, though the paperwork for each was finished long ago. Last fall Bush announced 7 more circuit nominees. Just 2 have had hearings, and the other 5—their paperwork also complete—have yet to have hearings scheduled. Bush's 30th circuit nominee was announced last week.

By a pertinent historical measure, Leahy's committee has been slow: The three most recent presidents (Reagan, Bush, and Clinton) saw all of their first 11 nominees confirmed within their first year in office. Moreover, Leahy has failed on his own terms, since he said he would grant hearings for nominees within a year of their selection. He has recently promised hearings for 3 of the Hearingless 8—Miguel Estrada (D.C. Circuit), Priscilla Owen (5th Circuit), and Michael McConnell (10th Circuit)—but not for the other 5. He also has said, "I look forward to where we are by July 10 of this year," when a year will have passed since he had "a fully organized committee and could start hearings." Maybe by then Leahy will have convened hearings for the bulk of Bush's circuit nominees.

But maybe not, which is why it is important to keep insisting that hearings for the circuit nominees be held now. The failure to hold reasonably prompt hearings for nominees with home-state support and their paperwork complete shows disrespect for the president's role in nominating judges. The Senate has the authority to reject a nominee, but to fail even to hold a hearing suggests the president might as well be doing something else. There is also the judiciary itself to consider: Twenty percent of the seats on the appeals courts are now vacant, and many of these have been designated "judicial emergencies" by the Judicial Conference of the United States. The failure to hold timely hearings is doing the bench no good.

We'd like to think that Senate Democrats would by now have heeded these arguments, insistently made by such non-Republican organs as the *Washington Post*. But the Democrats' judicial blockade can be explained. Because very few cases now reach the Supreme Court, the 13 appeals courts effectively function as mini-Supreme Courts. Which is to say they are more important than ever before. Through his powers to nominate and appoint, President Bush wants to move the appeals courts to the judicial right, a shorthand term that begs for definition but which, for present purposes, suffices. The 10 Democrats on the Judiciary Committee stand united against any such movement.

The Democrats' opposition has a substantive component: They resist judges they regard as threats to abortion rights, race preferences, the strictest separation of church and state, and unlimited congressional power. And their

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opposition has a revenge component: They are loath to confirm Bush nominees to vacancies Clinton nominees were designated to fill but never did thanks to Republican opposition—which blocked hearings in some cases for years. Clinton's nominees, had they been confirmed, likely would have shifted their courts leftward, thus making the Bush project of moving them rightward that much harder.

Committee Democrats have shown that they will open a door in their blockade only when it becomes too embarrassing not to. A case in point: Last week, all 49 Republican senators signed a letter to Leahy asking for an explanation of his "blue-slip" policy. Senators traditionally are granted a de facto veto over judicial nominees from their own state. To exercise it, they pass a negative "blue slip" to the chairman. But it appears that Michigan Democrat Carl Levin has been using this prerogative to block nominees not only from Michigan but also from other states in the 6th Circuit—an unprecedented move. The 6th Circuit has 16 seats, half of them vacant. Bush has announced 7 nominees (2 of them last May 9), but none had been given a hearing—until the day after the Republicans sent Leahy their letter, when Julia Smith Gibbons of Tennessee was finally brought before the committee.

That it was Gibbons who got a hearing is instructive, since she is perceived as one of the more moderate circuit nominees. Chairman Leahy and his Democrats will hold hearings, if they must, for nominees like Gibbons, but consistently postpone action on those they see as more conservative, like the Hearingless 8.

The question facing Bush is what can be done to make committee Democrats hold hearings posthaste and confirm his nominees. Of course, if Bush were to compromise on philosophy and name candidates pleasing to the Democrats, he might see faster movement. Such compromise, however, would rightly be seen by the Republican base as betraying the president's campaign promises. And there is nothing else Bush can do if he's to stick to principle. The only way out for Bush is a Republican Senate.

The last election gave us one—by a single vote. But then on May 24, 2001, James Jeffords bolted the GOP, shifting control of the Senate to the Democrats. Everything else has followed. But for Jeffords's switch, the story on judges would be very different. Charles Pickering? Confirmed, with some Democratic support on the floor. And the Hearingless 8? All would have been confirmed, too. Indeed, you can precisely identify the Jeffords effect: Soon after his nomination to the D.C. Circuit on May 9, John Roberts actually had a hearing scheduled. But it was struck from the calendar once the Democrats took control.

November 5 is the date of the midterm elections. Thirty-four Senate seats will be decided. To win back the Senate, Republicans will have to hold the seats being vacated by Phil Gramm, Fred Thompson, Jesse Helms, and Strom Thurmond in, respectively, Texas, Tennessee, North Carolina, and South Carolina. They'll also have to hold Republican seats subject to potentially strong challenges—right now, those in New Hampshire, Arkansas, and Colorado. And they'll have to pick up at least one Democratic seat, with South Dakota, Missouri, Iowa, Georgia, and Minnesota offering the best chances.

Capturing the Senate will entail running the right kind of campaign in each state. And the right kind of campaign in some cases will entail making judges an issue. Interestingly, several candidates already are addressing it—John Cornyn in Texas, for example, and Lamar Alexander in Tennessee.

Make no mistake: The future of the appeals courts is riding on the midterm elections. And so, too, may be the future of the Supreme Court.

—Terry Eastland, for the Editors

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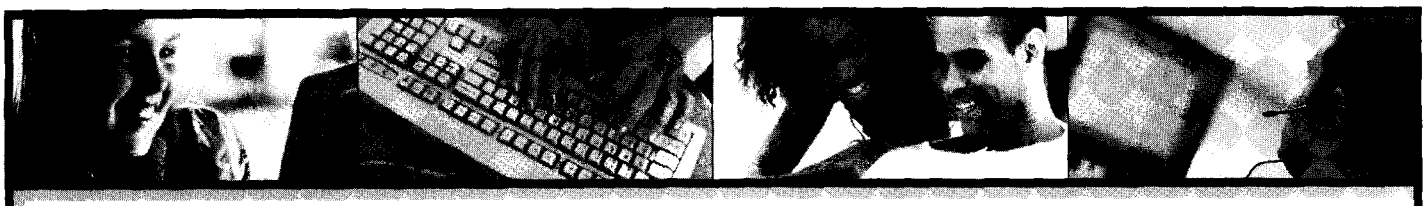

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Every president from 1975 to 1994, when the previous TPA law expired, has been granted such authority. Since the law lapsed, however, the United States has fallen behind the rest of the world in negotiating trade agreements. Worldwide, there are now 150 regional free trade and customs agreements. The United States is a party to only three of them. The European Union has negotiated 22 free trade or special customs agreements in the past decade, and is negotiating with 12 more countries. Since 1994, Mexico alone has negotiated nine free trade agreements with 29 countries.

In effect, America's trade agreements remain suspended in time while other countries take advantage of the opportunity to forge new agreements. And in many cases, their agreements mean higher tariffs and more hurdles for U.S. firms than for our foreign competitors. That translates into lost jobs and exports for our nation.

America's trade agreements remain suspended in time while other countries take advantage of the opportunity to forge new agreements.

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As President Bush said recently: "Every day we go by without the authority is another day we are missing opportunities to help our economy, to help our workers, to help our country, to relate to our friends around the world."

Congress has a tremendous opportunity to demonstrate leadership by passing Trade Promotion Authority. Doing so will provide the president with the tools he needs to conclude trade agreements that enable America to compete on equal footing with the rest of the world. And that will help stimulate our economy and increase the free flow of commerce on which global economic security is based.

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Kofi's Choice

The U.N. secretary general gets entangled in l'Affaire Sommaruga. BY CHARLES KRAUTHAMMER

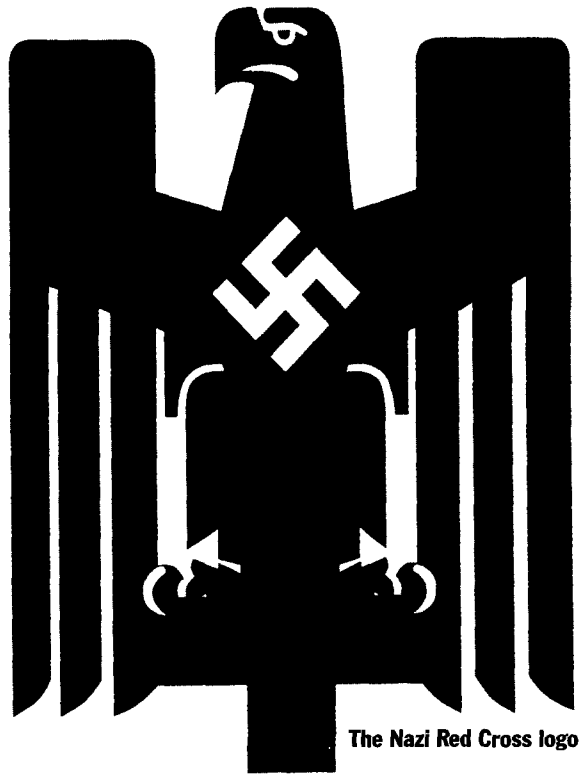
KOFI ANNAN has a problem. In his eagerness to nail Israel for the "Jenin massacre," the U.N. secretary general named an investigating committee of three, including one Cornelio Sommaruga, former head of the International Committee of the Red Cross (ICRC).

This was unfortunate for Annan, despite the fact that the committee was disbanded within days (a combination of Israel's insistence on conditions of fairness and emerging evidence that the entire massacre story was a fiction). In choosing Sommaruga, out of an entire universe of people who could have brought probity and impartiality to the investigation, Annan chose a man with a past.

The incident occurred in November 1999 in Geneva. Dr. Bernadine Healy, then head of the American Red Cross, had made a passionate speech questioning the International Federation of Red Cross and Red Crescent Societies for having denied entry to Israel for 50 years. Sommaruga confronted her in a private meeting shortly thereafter. Eyes bulging and furious, Sommaruga said to her, "If we're going to have the Shield of David, why would we not have to accept the swastika?"

I first cited this incident in a column two years ago ("Red Cross Snub," *Washington Post*, March 24, 2000). Now that it has come back to haunt Sommaruga and Annan, they have gone into high damage control. The result is a train wreck.

Edward Mortimer, Annan's director of communications, claims (*Washington Post*, April 29) that this statement was taken out of context. His witness is one Alan Baker, an Israeli diplomat. Nice touch. Baker, he says, "was present during this conversation." Mortimer then quotes the *Jerusalem Post* quoting Baker, calling any casting of aspersions on Sommaruga "a vile manipulation of something said in a different context."



The Nazi Red Cross logo

I checked the statement that Baker made to the *Jerusalem Post*. It reads: "I know the context because I was there. When we were talking about adding additional emblems in the Red Cross movement, Sommaruga remembered that the old historic Indian symbol of the swastika, before it was used by the Nazis, was proposed as a humanitarian red cross symbol."

This is a howler. First, Baker was never at the meeting. I verified this with Bernadine Healy, who was. Her notes confirm her recollection, as does the colleague who was in the room with her during the meeting.

Second, it is obvious that Baker was not at the meeting because his account contradicts the account given by the very person he is trying to defend—Cornelio Sommaruga. On the same page of the *Washington Post* that carries Mortimer's letter, there appears a letter from Sommaruga claiming that what he said to Dr. Healy was: "Would you be ready to accept the swastika as requested by Sri Lanka?"

The defendants cannot seem to get their stories straight. Baker said it was a discussion of pre-Nazi Indian religious symbols. Sommaruga says he was talking about Sri Lanka, a country that did not even come into existence until Nazism had been dead for three years, and did not change its name from Ceylon to Sri Lanka until 1972. So which is it, gentlemen?

This contradiction caused a problem for Annan's flack, Mr. Mortimer. So what does he do when Sommaruga says postwar Sri Lanka and Baker says prewar India? He does a beautiful East River straddle, offering his own compromise version—"a conversation Mr. Sommaruga had with Bernadine Healy . . . in 1999, when he asked her rhetorically whether she would be ready to accept a red swastika, which had been requested by an Asian country. . . ."

"Asian." Clever.

Third, the "context" alleged by Mortimer, Baker, and a previous defense of Sommaruga by Urs Boegli, ICRC head of media services (letter to the *Washington Post*, April 2, 2000), is

Charles Krauthammer is a contributing editor to THE WEEKLY STANDARD.

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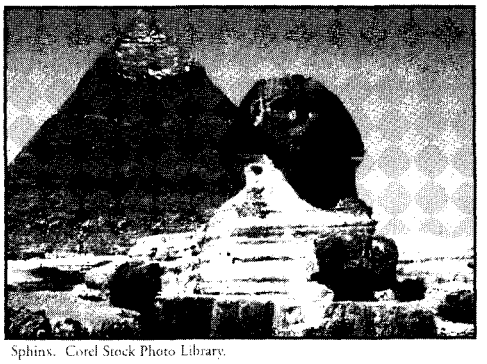

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ROBERT BRIER (Ph.D., University of North Carolina, 1970) is an Egyptologist and professor of philosophy at the C.W. Post Campus of Long Island University. He has served as director of the "Egyptology Today" program of the National Endowment for the Humanities, and as host of the Learning Channel series, *The Great Egyptians*. He has twice been selected as a Fulbright Scholar, and has received LIU's David Newton Award for Teaching Excellence.

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pure invention. Baker, for example, says: "When we were talking about adding additional emblems in the Red Cross movement, Sommaruga remembered . . . the old historic Indian symbol of the swastika."

Nonsense. As Dr. Healy wrote the *Washington Post* (April 5, 2000), "Mr. Sommaruga's statement was . . . in essence, if Israel's humanitarian organization, Magen David Adom, was allowed to use the red shield of David as its symbol, what was to stop someone from using the swastika? Sadly, his statement was made without context. Only after I expressed my astonishment did he invoke an example of a country that might wish to use such a symbol (Sri Lanka . . .)."

Healy was so astonished by this statement that she asked the ICRC to tell her when Sri Lanka had asked to use the swastika. She was told vaguely that perhaps it had occurred sometime in the 1950s, but no documentation was produced.

In any case, you don't just front up to the ICRC window and ask for admission of your symbol. You have to show that the symbol has already been in humanitarian use. Palestinian Jews had been using the red Star of David for years even before the state of Israel came into existence. Did Sri Lankan ambulances sport the swastika?

In fact, the only country to use the swastika in its Red Cross emblem was Nazi Germany. Its (internal) humanitarian emblem was the black eagle with the swastika over its heart, and its talons clutching the Red Cross below.

The very idea of comparing the Star of David to the swastika is grotesque. The fact that Sommaruga blurted this out in a non-public setting is telling. It is precisely because it is telling that assorted public relations artists for him and for Annan are now running around trying to paper things over.

But surely they can do a better job. They would do better to meet in committee and coordinate their stories before spinning tales about swastikas —in context, of course. ♦

Bush's New Best Friends

Many of them are Jewish.

BY FRED BARNES

BENJAMIN NETANYAHU, the former Israeli prime minister, insists President Bush is the best friend Israel ever had in the White House. And in case anyone thought he'd foolishly gotten carried away the first time he said it—while addressing the pro-Israel rally on the Capitol grounds—he repeated it at a gathering in Washington of the American Israel Public Affairs Committee, and yet again on television. And why not? Bush calls Israeli prime minister Ariel Sharon a "man of peace," says he won't allow Israel to be "crushed," and seems to have Palestinian leader Yasser Arafat pegged as a menace to civilization. Nor does the president use code words for moral equivalence between Israel and the Palestinians like "cycle of violence" or euphemisms for American pressure on Israel such as "engagement." So not surprisingly, Bush "has gained a great deal of support in the Jewish community," says Malcolm Hoenlein, executive director of the Conference of Presidents of Major American Jewish Organizations.

That's putting it mildly. No Republican president in the past half century has been this popular among Jews. And that includes Ronald Reagan, who got 39 percent of the Jewish vote in 1980, and Dwight Eisenhower, who won 40 percent in 1952. The surge of pro-Bush sentiment has thrilled Jewish Republicans to the point of giddiness. Pollster Frank Luntz says, "This is the first time in my lifetime that it's okay to be a Republican in the synagogue." Matt Brooks, executive director of the Republican Jewish Coalition (RJC), says it may no longer be true that Jews live like Episcopalians but vote like Puerto Ricans. Brooks believes that since September 11—all the more since Palestinian suicide bombers provoked an Israeli military invasion of the West Bank on March 29—the Jewish community is undergoing "a fundamental shift towards the Republican party."

There's a ton of anecdotal evidence of Bush's popularity among Jews. For example, the head of B'nai B'rith International, Richard D. Heideman, told Tom Edsall of the *Washington Post* he's always been a Democrat but expects to vote for Bush in 2004. The problem is there's no hard data to confirm either a rush of Jews to Bush or a Jewish political realignment. There hasn't been a national election to test either notion. The RJC took a poll last November that showed Bush beating Al Gore, 42 percent to 39 percent, if the presidential race were rerun. But only 17 percent of Jewish voters in that poll identified themselves as Republicans (54 percent were Democrats).

What's driving Jews to Bush and the GOP, Brooks argues, is "the political equivalent of the perfect storm" since September 11. Bush has emerged as the lone defender of Israel among major world leaders. Meanwhile, Democratic tardiness in defending Israel has drawn a stark contrast with noisy backing by Republicans and conservatives of Israel's foray into the West Bank.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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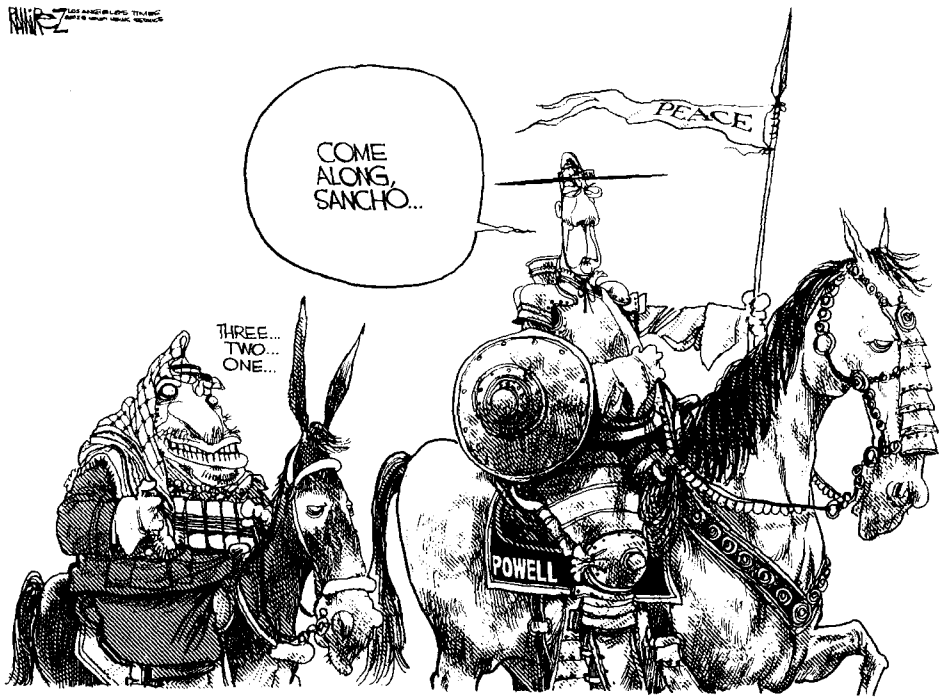

Michael Ramirez

"Did you ever think there'd come a time when Tom DeLay was more pro-Israel than the average rabbi in the average synagogue?" says Luntz. Also, Jewish apprehension about the Christian Right has been trumped by the alliance of religious conservatives and Jews in support of Israel. Two evangelical Christians, Gary Bauer and Janet Parshall, spoke at the pro-Israel rally. And the social issues that cause many Jews to vote Democratic—abortion, guns, school prayer—are dormant at the moment.

All this gives Republicans a political opening, but no more than that. Any Jewish drift to Bush and the GOP, says the leader of a national Jewish organization, is "a work in progress. A door's been opened. People are willing to look at Republicans in a way they haven't in a generation." The possibility of Republican gains is not a new phenomenon. Twice before, in 1980 and 1988, there were false starts. Democratic presidential candidates normally get 65 percent to 80 percent of the Jewish vote. But Reagan held Jimmy Carter to 45 percent in 1980 (John Anderson won 15 percent), raising the prospect of a Jewish realignment. In 1984, Reagan dipped to 31 percent as the rise of the Christian Right chilled Jewish voters. Then George H.W. Bush won a surprising 35 percent of the Jewish electorate in 1988, but this fell to 11 percent four years later after Bush turned against the Israeli government. Bob Dole won 16 percent in 1996, Bush 19 percent in 2000.

Twice thwarted, a Jewish realignment is not a big worry of Democrats. Nonetheless, Senate Majority Leader Tom Daschle overrode White House objections and pushed a mildly pro-Israel resolution through the Senate last week. Democratic strategists concede Bush should do better in 2004, but they believe support for Israel won't help many Republicans in congressional races. For one thing, there won't be many cases—maybe none—in which a pro-Israel Republican is running against an anti-Israel Democrat in a state or district with a significant Jewish vote. For another, Democrats will make sure social issues like abortion are played up. Jewish women are perhaps the most ardently pro-choice of any voting group. The worst-case scenario for Democrats in 2004? The Mideast and the war on terrorism are the dominant issues and Israel-hating Al Sharpton is a major player in the race for the Democratic presidential nomination. That's a formula for the party's presidential nominee to get less than 50 percent of the Jewish vote.

As eager as the Bush White House is to expand the Republican base, it's done little to woo Jewish voters. Leaders of Jewish organizations were invited to a White House screening in 2001 of *Varian's War*, a movie directed by Bush supporter Lionel Chetwynd about the escape of Jewish intellectuals from France during World War II. But that's about it: no Bush appearance before a large Jewish gathering, no series of speeches by administration officials to Jewish groups around the country. This is partly out of fear of being accused of pandering, though Bush's support for Israel appears heartfelt. And it's partly because Jews are only 4 percent of the national vote. Even a strong shift in 2004 probably wouldn't be pivotal in Bush's reelection, except perhaps in Florida. In 2000, Bush strategists were more interested in attracting the Arab-American vote, and they still seem to be.

Nothing is guaranteed in politics, least of all a substantial Jewish vote for Bush in 2004. His hold on Jewish voters is fragile. If the president were to turn sharply in his Middle East policy and exert prolonged pressure on Israel for concessions to Yasser Arafat and the Palestinians, he'd suffer the fate of his father. And now that he's caught up in peace negotiations, nearly everyone—the media, Europeans, Arab leaders, his own secretary of state, Colin Powell—will demand that he do exactly that. It will take a strong man, with a genuine love for Israel as a democracy and strategic ally, to resist. ♦

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The Overseers of Jenin

What exactly is the U.N. doing in its refugee camps (with our money)? BY DOV B. FISCHER

AP / Wide World Photos

Yasser Arafat with UNRWA Commissioner-General Peter Hansen in Gaza

AMONG THE MAIN Mideast developments at this writing, it now appears that a United Nations commission will not be traveling to Jenin, but Yasser Arafat will be. The purpose of Arafat's Jenin visit is to draw public sympathy for residents of the United Nations refugee camp there, where fierce fighting occurred several weeks ago. For Americans, perhaps our attention should focus more on underlying questions: Why is the United Nations running refugee camps for people who claim to be living in their own land? How could a refugee camp under U.N. auspices become a world center for recruiting and training suicide bombers? And why is the United States essentially bankrolling these camps when wealthy Arab oil sheikhdoms barely contribute?

According to U.N. records, the United States finances more than one-fourth of the cost of operating the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In 2000, for example, the United States pledged $89,560,000 towards the $337,014,742 total that UNRWA raised from all nations and sources in the world. By comparison, Saudi Arabia pledged $2,500,000—less than 1 percent of the UNRWA total and a minuscule fraction of the American contribution. Oil-rich Kuwait pledged $2 million. Syria pledged $37,209. Egypt pledged $10,000. Iraq and Libya apparently had difficult years; they pledged nothing, although Iraq sends bounties of $25,000 each to the families of suicide bombers.

The UNRWA is a subsidiary of the United Nations. Its commissioner-general, appointed by the U.N. secretary general, is the only head of a United Nations body authorized to report directly to the General Assembly. The UNRWA was founded by Resolution 302(IV) of December 8, 1949, and to this day remains unique within the world body as a relief agency assigned to serve only one class of people. All the world's other refugees are served by the United Nations High Commissioner for Refugees (UNHCR). UNHCR serves the needs of more than 21.8 million refugees in 120 countries ranging from the Balkans, Colombia, West Africa, and Chechnya to Afghanistan, Sri Lanka, Timor, and the Horn of Africa. Palestinian Arabs alone are under the aegis of the UNRWA.

Locally recruited "Palestinian refugees" make up 99 percent of UNRWA's staff in the 59 refugee camps that UNRWA operates in Jordan, Lebanon, Syria, Gaza, and the disputed territories that Israelis call "Judea and Samaria" and that the Arab world calls "the West Bank." The majority of UNRWA camps and nearly 60 percent of their residents are in the three Arab countries, the remainder in the areas administered by Yasser Arafat's Palestinian Authority. According to the UNRWA, it is the main provider of basic

Dov B. Fischer is an attorney in Los Angeles.

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social services in all those camps.

The UNRWA's largest budget item is its school system, comprising half its budget and two-thirds of its staff. In all, the UNRWA operates 266 schools with 242,000 students in the area administered by the Palestinian Authority. In the aftermath of Israel's military incursion into the UNRWA refugee camp in Jenin, that agency has been under a microscope, partly because it has schooled four generations of Jenin children. According to the UNRWA, its schools use the same curricula and textbooks as do the host government schools. Palestinian Authority textbooks incorporate maps of the Middle East that omit Israel, and their texts delegitimize Israel, Judaism, and Jews.

Under the UNRWA's auspices, the number of refugees it serves has grown from 914,000 in 1950 to more than 3.8 million today. Thus, the overwhelming majority of its population are the children, grandchildren, or great-grandchildren of those who first were placed in UNRWA camps in 1950. Between 1947 and 1950, approximately 750,000 Jewish refugees were driven from Arab countries in the Middle East. There was no United Nations agency to serve their health, educational, and social needs. So they were absorbed directly into the Israeli polity, and their offspring bear no indicia of refugee status. For example, the president of Israel, Moshe Katsav, is the child of Iranian Jewish refugees from that time.

Israel reports that approximately half the suicide bombers who have struck over the past 19 months were residents of the Jenin UNRWA camp or terrorists who were trained there. It also is odd that a "refugee camp" under United Nations auspices has emerged as a terror center where Hamas, Islamic Jihad, Tanzim, and Al Aksa Martyrs Brigade terrorists ran wild, stocking arms, building bomb-making factories, and recruiting and training children educated at UNRWA schools to detonate themselves. Perhaps oddest of all is the American role as chief bankroller.

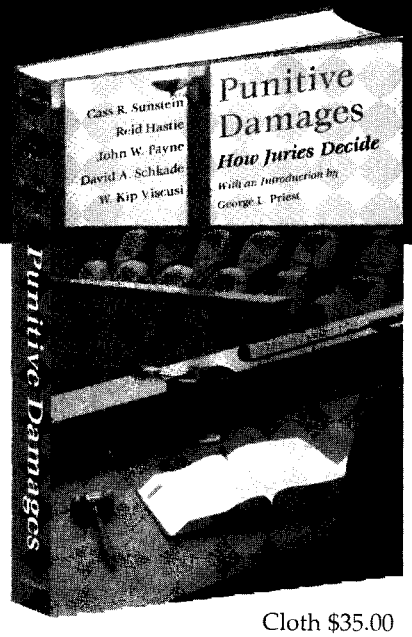
With Washington now scouring its outlays in the face of projected budget deficits, it is remarkable that America continues to pump scores of millions into a U.N. program that has institutionalized dependency among four generations of Arabs—while the oil princes barely contribute. It is remarkable, too, that the refugees and their descendants are still living in squalor half a century after the helping hand first was extended.

This makes no sense. In a time when U.N. fact-finding commissions are all the rage, here is a subject for congressional fact-finders to investigate: Why are we throwing away all those tax dollars? ♦

Punitive Damages

How Juries Decide

With an Introduction by
George L. Priest



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The Saudis and Saddam

They don't really want him replaced.

BY SIMON HENDERSON

LAST WEEK, the *New York Times*'s Patrick E. Tyler reported that President Bush and Crown Prince Abdullah of Saudi Arabia had agreed on a new strategy of joint action and pressure to break the deadlock in the Middle East crisis. American officials would talk bluntly with Prime Minister Ariel Sharon during his visit to Washington next week. Arab leaders would do the same when they meet with Yasser Arafat.

Warming to the theme, *Times* columnist Maureen Dowd concluded a column about the Crawford-Riyadh connection: "One thing is clear: By working more closely with the Saudi dynasty, this president may be getting closer to his dynasty's avenging dream of toppling Saddam."

Wrong. That is not part of Crown Prince Abdullah's agenda. In fact, it is the very opposite. Saudi Arabia's de facto ruler may want a cessation of violence in Palestine, but he also wants an American-led attack to overthrow Saddam Hussein to be postponed indefinitely.

Think about it, because not many people in Washington appear to be doing so. Does Crown Prince Abdullah want to see an end to Israeli tanks and Apache helicopters chasing around the West Bank and Gaza? Yes. Does he want normal relations with a state of Israel? No, he probably wakes up every morning hoping that it has disappeared.

In 2000, soon after Israel had withdrawn from Lebanon, the departing British ambassador in Saudi Arabia went to visit Saudi foreign minister Prince Saud al-Faisal for a farewell chat. How did the kingdom see Israel's withdrawal in the context of the (then still alive) peace process? he asked the foreign minister (who would also be present at the recent Crawford summit). "It is not important. As long as Israel is withdrawing, it doesn't matter if it takes 50 years [before it ceases to exist]," was the Saudi reply, according to a British intelligence official who read the account of the conversation sent back to London.

On Iraq, does Crown Prince Abdullah want Saddam Hussein's cruel, pariah regime replaced by a pro-Western government pumping oil in greater quantities than his own country? No. Better the devil you know than the devil you don't. Besides, any American offensive might go off half-cocked, resulting in a pro-Tehran regime in Baghdad (at least 60 percent of Iraqis are Shiite co-religionists of the Iranians).

On Palestine, will Crown Prince Abdullah and other Arab leaders be as tough on Arafat as President Bush will be on Sharon? No. Why should they be? Sharon is the villain of the piece. Israel mounted an expansionist war of aggression in 1967 (not the war of reluctant self-defense depicted in Western history). What about terrorism and suicide bombers? Against occupation these are legitimate. Draping them in an Islamic banner even makes them noble.

But what about telling Arafat that he cannot constantly avoid tough decisions? That his backing for street confrontations and suicide bombers is in danger of being imitated by opposition forces in the wider Arab world? On past performance, Arafat will say, as he reportedly did to President Mubarak of Egypt last year, Why don't you condemn them publicly yourself first? Crown Prince Abdullah won't confront Arafat: It's not his style. Besides, his constituency does not want it. In a telethon the Saudi public has just collected over $100 million for the Palestinian peo-

Illustration by Drew Friedman

Simon Henderson is a London-based adjunct scholar of the Washington Institute for Near East Policy.

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ple, a great chunk of which is expected to go to Hamas, an organization that, ideologically, is dead set against ever recognizing the state of Israel.

And Arafat conniving with the Americans to clear the way for the overthrow of Saddam? Forget it. Arafat will use the opportunity to screw money out of Baghdad, and Saddam will think it is cheap at the price.

If President Bush bought the Saudis' theory of Middle East peace, one worries he might also have bought their view of September 11. Adel al-Jubeir, the crown prince's foreign policy adviser and spin doctor, said on *Meet the Press* on April 21: "Osama bin Laden wanted to give [the 9/11 operation] a Saudi face in order to drive a wedge between Saudi Arabia and the United States." A pity al-Jubeir wasn't challenged on the proportion of Saudis among the detainees at Guantanamo Bay: nearly 80 percent, according to a Foreign Office source, who says the same pattern holds among the 16 named in mid-February by Attorney General John Ashcroft as posing an imminent threat to the United States or an American target in Yemen.

Did President Bush mention to Crown Prince Abdullah concerns in Washington that two senior Saudi princes had been paying off bin Laden since a 1995 bomb in Riyadh killed five American military advisers? The deal supposedly made back then was "no bombs in the kingdom, please." So bin Laden went after embassies in East Africa and the USS *Cole* instead. "When did X and Y stop paying off bin Laden?" I asked a British official last month. "Have they? We hope they have. But we don't know for certain," was the reply.

One hopes there is more to the emerging Bush Middle East policy than it seems. Maybe President Bush is merely reacting to pressure. Perhaps he should imitate Crown Prince Abdullah's relaxed style. The Saudi leader flew to Texas from his vacation home in Morocco. He had been there since the beginning of April, while the West Bank was erupting and an unprecedented number of unauthorized public demonstrations were unfolding in his kingdom, motivated as much by domestic grievances as by anti-Israeli and anti-American passions. From Texas, Crown Prince Abdullah flew back to Morocco, while many of his less regal brother Saudis headed home to face another broiling summer, short of air conditioning and desalinated water because of power outages.

One solution to those problems would be a massive investment in gas-fired power and desalination plants, as proposed by ExxonMobil and other U.S. and European oil companies. But deals are being delayed because of opposition by some senior Saudi princes and because Crown Prince Abdullah is distracted by Palestine. If President Bush can't even secure contracts for oil companies from the Saudis, how can he possibly secure Middle East peace? ♦

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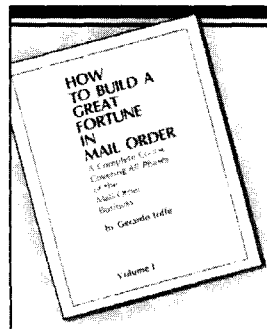

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As Bad as the French

The *New York Review of Books's* inimitable coverage of the Middle East. BY FRED SIEGEL

THE *New York Review of Books* has a fabulous record of getting it wrong. These are the characters who announced "The End of American Affluence" in 1997, just as the economy was ascending into the stratosphere. They were sure that welfare reform would lead to bodies in the streets; sure that Giuliani-style policing would produce a reign of terror; sure that the Gulf War would bog down in trench warfare reminiscent of World War I; sure that the war against the Taliban would end up another Vietnam; sure that Yasser Arafat, for whom they've displayed infinite understanding, is a man of peace with no connections to terror. And then there's the matter of EgyptAir Flight 990. You probably believed the scientists at the National Transportation Safety Board who said the crash was a pilot suicide. But like the Egyptian government, the *NYRB* knew better, and in a three part series, lit crit professor Elaine Scarry explained that the plane, like others in recent crashes, had been shot down by secret electromagnetic forces emitted by the U.S. military.

Now, in line with the reasoning of the Arab world and its European toadies, the *NYRB* is onto an even bigger Israeli conspiracy. The cranky Ms. Scarry wrote with scant knowledge of aerodynamics; crankier-yet Tony Judt writes on the Arab-Israeli conflict with even scantier knowledge of the Middle East, not to mention a lit crit sense of causality that insists it was Ariel Sharon who sabotaged the peace process and plunged Israel and the Arabs into war. Judt's May 9 article "Israel: The Road to Nowhere" provides a case study in the Gallic art of erasing facts with logic.

The Belgian-born Judt, a professor of history at New York University who is a regular writer for the *New York Review of Books*, begins by asserting that the outlines of a peace were obvious to all after the Camp David and Taba negotiations. "If this is the future of the region," he asks, "then why is it proving so tragically hard to get there?" His answer is that an Israel obsessed with its own uniqueness, manipulating the legacy of the Holocaust, the trauma of September 11, and U.S. support—and led by its "dark Id, Ariel Sharon"—has "largely deprived itself of credible Palestinian interlocutors."

It was Arafat's rejection of a deal and subsequent resort to terror that drove Barak from office and revived the moribund career of Ariel Sharon.

Those who are bound by mere facts and chronology remember that Ehud Barak was prime minister when Arafat, according to U.S. negotiator Dennis Ross, repeatedly rejected an offer for 97 percent of the West Bank. Arafat's rejection and subsequent attempt to better his position through terror drove Barak from office and revived Sharon's moribund career. But the significance of terror is far from Judt's fevered mind. He refers to Hamas solely as a "community based organization." Only two-thirds of the way through his screed, after he's devoted considerable attention to analogies with the French war in Algeria, does Judt mention Palestinian terror, and then only in passing. He compares Sharon to Victor Hugo's implacable Inspector Javert and Arafat to the noble but hounded Jean Valjean. There is a good deal to argue about when it comes to Ariel Sharon, particularly when it comes to the settlements, but what sort of mind would morph Arafat into Jean Valjean?

When it comes to Israel, the pathologies of the *NYRB* and Judt know few bounds. By systematically ignoring radical Islam, Palestinian suicide bombings, and the roles of Syria, Saudi Arabia, Iraq, and Iran, Judt can insist that it's not only Sharon but Israel's "liberal intelligentsia," whom he likens to Pontius Pilate, who are "chiefly to blame for the present crisis."

In the case of Judt, who's gone out of his way to minimize the anti-Semitic violence in Europe, the pathology involves an interesting inversion. He is the disease of which he proclaims himself the cure. Judt made his academic mark by explaining how the left-wing French intellectuals of the 1950s defended Stalin by denouncing America. He accused Jean-Paul Sartre and his allies of "insouciance in the face of [Soviet] violence." "Sartre," said Judt, "characteristically responded to things [he] found embarrassing by ignoring them." Sartre was, in sum, morally bankrupt and intellectually dishonest.

Judt writing about the Middle East has become Sartre at his worst. Substitute Arab for Soviet and Judt for Sartre, and what you have is insouciance in the face of Arab terror, which Judt and the *New York Review of Books* characteristically ignore in order to apologize for Arafat and attack Sharon. In sum, Judt has taken the European position on Israel, a position that is morally bankrupt and intellectually dishonest. ♦

Fred Siegel is a professor at the Cooper Union for Science and Art in New York.

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"A CARDINAL LAW UNTO HIMSELF"

"You ask about Cardinal Law of Boston taking the law unto himself, right?," asked Abraham Lincoln.

"Right, Sir," I replied.

"Well, my boy, these are my thoughts on some Catholic priests. You're a Catholic," Mr. Lincoln said.

"Yes, Sir, I am."

"Fine. Let's see if I can help," continued Mr. Lincoln. "Before I left the world I talked to my Vice President, Mr. Johnson and anyone who'd listen."

"What, Mr. President?"

"That after the awful Civil War don't imprison Jefferson Davis and put him in irons."

"Why not, Mr. President?"

"Because you'll only make a martyr of Jeff Davis. We won the war. Why lose the peace? Old Jeff a martyr. You risk him binding up Southern wounds only to defy the North once more," said Abraham Lincoln.

"So that's it. What's the connection to Cardinal Law?" I asked.

"Simply this. Had I lived I'd have let Jefferson Davis roam the South as a loser and a bore. Almost too late that's what happened. They let Old Jeff Davis free. He was a loser and a bore. It was the end of him."

"So?"

"Kick out Cardinal Law. Let him retire in disgrace. If you do you've got a martyr. The Catholic Scandal will die a slow death. The martyred Cardinal Law will seem exactly that even if he doesn't raise a finger," said Mr. Lincoln.

"So then what, Mr. President?" I asked.

"Let well enough alone. Most Catholics would be for pardoning Cardinal Law. Let well enough alone. Don't kick him out. Don't disgrace him. There's something better, wiser," Mr. Lincoln told me.

"What, Sir?"

"Allow the Cardinal to retire in peace if at all. But better than that, fight fire with fire. Make sure such a scandal never again arises. Put Cardinal Law in charge of it," the President suggested.

"That's something, Mr. President."

"My boy, look at it this way," Mr. Lincoln went on. "Put Cardinal Law in charge of whatever it is the Pope wants to do to make sure such a scandal never happens again. Fight fire with fire. Give the job to Cardinal Law."

"And why not?" I said.

"You're right, why not?" Abraham Lincoln said. "Let Cardinal Law lead the way to reform. He'll be like a fish in a goldfish bowl for all to see all the time. Give him a chance to redeem himself. It's not such a gamble, as you'd think. It's like the prodigal's return. It's all about forgiveness. It's Christian, Jewish, Protestant, and Muslim. It's God. It's the best of confession and the rebirth of betterment," said Mr. Lincoln.

"Will it work, Sir?," I asked him.

"Yes. In time I think it will. Who's to say Cardinal Law won't become the law unto himself. Better he, a man who may have broken a law only to put it together again for all time," the President concluded.

"Thank you, Mr. President," I said.

"Not me, my boy. Let's both thank God, from whom small blessings flow."

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Oil's Well That Ends Well

The key to a sound energy policy is a strong military.

By Irwin M. Stelzer

Our politicians have never shown their best side when confronting energy policy issues. In recent weeks Iraq's Saddam Hussein cut off his nation's oil exports to show solidarity with the Palestinians whose families he pays to strap suicide bombs to their children. Saudi Arabia, for its part, warned the *New York Times* that it was considering using the "oil weapon," because the ruling family could "no longer defend our relationship [with America] to our people." And the Venezuelan "street" trumped the nation's generals by returning control of Venezuela's oil industry to Hugo Chávez, an America-hating Castro clone. Those countries are our sixth, second, and fourth largest suppliers of oil, respectively, together accounting for almost one-third of our imports.

In response, the Senate showed its steel by voting to make poultry farmers a tiny bit richer (by subsidizing the use of chicken, er, droppings as fuel for electricity generation) and to make Iowa and other corn-state farmers, along with Archer Daniels Midland, the famous price fixer, a lot richer (by requiring a huge increase in the use of costly corn-based ethanol in motor fuel). But the Senate wouldn't even consider a House-passed provision to increase domestic oil supplies by drilling in an insignificant corner of the vast wastelands that comprise the Arctic National Wildlife Refuge.

Perhaps it's best not to complain, since the senators could have done far worse. They declined, after all, to impose higher gasoline efficiency standards that would force Americans into dangerously smaller and lighter vehicles. In the end, they ladeled out a mere $14 billion in subsidies for various conservation measures, to encourage the production of renewables such as solar and wind power, and, of course, to increase the availability of more exotic energy sources (see chickens above). Even when we add to that the $10 billion the Senate voted in loan guarantees for an Alaska natural gas pipeline—a liability that, Enron-style, will not appear on the government's balance sheet—the Democratic Senate remains a piker compared with the Republican House. The House version of an energy bill emerged bearing $33.5 billion in gifts to energy producers of various sorts.

The Senate-House conference to resolve differences in the two bills will be more contentious, however, than a simple game of $14 billion bid, $33.5 billion asked. The president and his Republican allies generally favor subsidizing the development of indigenous energy resources; Democrats see subsidies for conservation and renewable sources of energy as the main way to go. Even though the Senate also throws some money at producers, and the House at environmentalists, the difference in philosophy is so large that an impasse looms. But, as Jeff Bingaman, the New Mexico Democrat who was floor manager of the Senate bill, reminds us, "There's no requirement to have an energy bill this year."

That raises the prospect that the nation's lawgivers will follow Ronald Reagan's famous dictum, "Don't just do something, stand there." Not a bad thing. William Hogan, an energy policy expert at Harvard's Kennedy School, reminds students and colleagues that if you ask the wrong question, you get wrong and often quite silly answers. And our politicians continue to ask themselves the wrong question: "How can we become independent of foreign oil?" Successive presidents have asked that wrong question, and, predictably, come up with wrong answers. They have looked to price controls and increased domestic production "to meet our own energy needs without depending on any foreign sources" (Nixon); subsidies for massive coal liquefaction projects, auto fuel efficiency standards, and a strategic petroleum reserve with no policy for its effective

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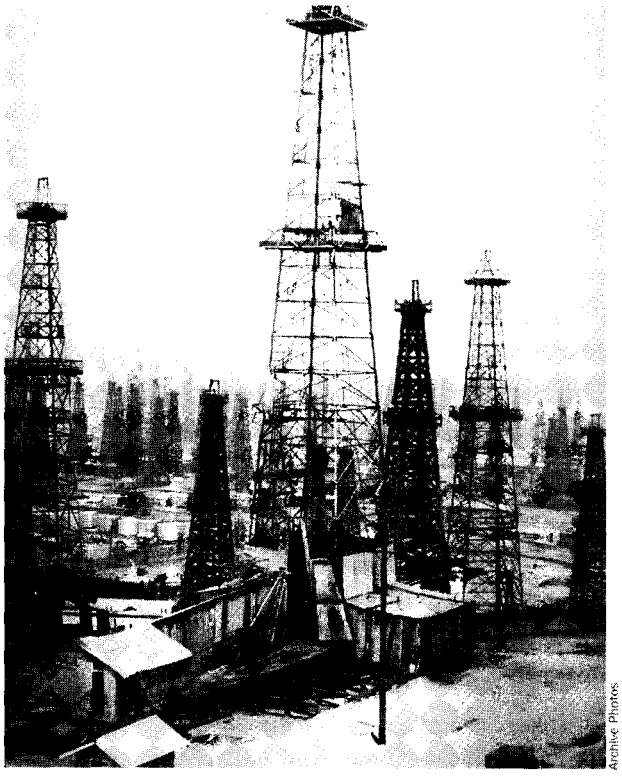
use (Ford); a new Department of Energy and woolly sweaters (Carter's moral equivalent of war, or MEOW); sucking up to the Saudis and sending aircraft carriers and half a million men to drive Saddam out of Kuwait (Bush the first); and drilling in the not-so-oil-rich Arctic wildlife refuge (Bush the second). Alone among these White House occupants, Bill Clinton stands blameless. Having been too distracted by other matters to pay much attention to the national security issues raised by our reliance on oil imported from an unstable and frequently hostile region of the world, Clinton left the matter to his vice president, who expanded the list of demons from whom we must seek independence to include "big oil" and energy wastrels who drive SUVs of the sort used to transport Al Gore to important meetings.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The simple but unpleasant fact is that there is no way we can expand domestic production or curtail our consumption sufficiently to enable us to become independent of foreign oil. We can punch lots of holes in Alaska, and probably find enough oil to meet a small part of the growth in gasoline use we will experience in the next decade; we can beat corn into ethanol, and still find that we have added only a few days to our supply of gasoline; we can impose tighter efficiency standards on new cars, but will still have to slake the thirst of the existing stock of generally well-built and durable automobiles and trucks for years to come. And many of the measures being proposed to increase the efficiency with which we produce and use electricity, even if adopted—an expensive move, in many cases—are irrelevant to the question of oil imports, since very little oil is used to generate electricity, which now comes primarily from coal or natural gas-fired plants, and from nuclear stations.

As Hogan puts it, "Even the small changes we can make at the margins are too costly and too difficult politically. The big changes are harder still." There may be reasons to remove uneconomic restrictions on domestic production, and to institute conservation measures that make sense when subjected to a cost-benefit analysis, but pursuing "energy independence" is not among them.

We are a great big country, with thousands of miles separating factories from markets, children from parents, vacationers from resorts. That means comfortable cars with plenty of room for the kids, lots of flying, and lots of 18-wheelers. We have substituted energy for muscle, making ours the world's most productive and richest manufacturing and agricultural industries. That means millions of gallons of diesel fuel. We refuse to follow the European model and allow the government to levy gasoline taxes that would shoehorn us into tiny (read: unsafe) cars. That means using gasoline, and lots of it. And, since we have less than 3 percent of the world's oil reserves, that means importing a lot of crude oil to keep our refineries producing the gasoline we need.

Nothing can change that, least of all the Senate bill. Its emphasis on conserving electricity is irrelevant; its approach to the problem of reliance on foreign oil is hypocritical, costly, and counterproductive. Start with ethanol. The Senate bill mandates an increase in the use of this corn-based fuel additive (it makes gasoline burn cleaner), from its current level of just under 2 billion gallons per year to 5 billion gallons by 2012. By that time, we will be consuming about 160 billion gallons of gasoline each year, reckons Howard Gruenspecht, a resident scholar and energy expert at Resources for the Future, the think tank that is the acknowledged nonpartisan authority in these matters. So whatever ethanol may do for the environment, if we achieve the Senate's goal we will replace only a bit more than 1 percent of total consumption. That is unlikely to have the oil princes cutting back on their shopping trips to Harrods and Harry Winston. The Senate bill is primarily about farm-state votes, not Arab oil.

There is worse. The Senate also voted to phase out the use of MTBE, an additive that is also used, like ethanol, to make cleaner burning gasolines. The stated reason is that MTBE (methyl tertiary-butyl ether) gets into ground water, which is true. But, says Gruenspecht, because there has been no serious cost-benefit analysis, we don't know if the environmental benefits of a ban on the stuff justify its

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cost. What we do know is that eliminating this alternative to ethanol will make an already tight refinery capacity situation worse, driving up gasoline prices. Score one for the oil companies and the corn growers.

The best performance was put on by the senators from California and New York. Hillary Clinton and friends bowed to the environmentalists by voting to phase out MTBE, and then pandered to consumers in their states by voting against the ethanol mandate, on grounds of cost. But Gruenspecht estimates that about 8 cents out of the probable 10-cent increase in the cost of a gallon of gasoline that we will face if the Senate bill becomes law will be due to the MTBE restriction, which the California and New York senators supported, and only two cents to the ethanol requirement, which they opposed.

Hard on the heels of the New York and California four came Michigan Democrat Carl Levin, responding as politicians are prone to do, to a recent rise in gasoline prices that has taken the national average all the way up to $1.39 per gallon, 23 cents *below* where it stood last year. Last week he convened the Senate's Permanent Subcommittee on Investigations to beat up on the oil industry. At a time when economists are hoping that business profits rise so as to induce the investment needed to sustain the current economic recovery, Levin & Co. are appalled at oil company profits, which they attribute to willful withholding of gasoline supplies and to the wave of mergers that the oil industry has experienced in recent years. Every one-cent increase in gasoline prices, Levin announced, adds one billion dollars to oil industry profits. Which may be true. But surely this is grist for Al Gore's emerging run at the Democratic party's presidential nomination, and not of great use in shaping a meaningful energy policy.

So there you have it. America is increasingly dependent on foreign oil, much of it from an unstable part of the world, and our politicians think that an energy policy consists largely of corn, chicken droppings, and oil-company bashing. Bush and his allies in the House, to their credit, would add incentives to increase domestic production, but even they won't admit that if they got all they are asking for, including the right to drill in the Arctic wildlife refuge, the oil that might be found isn't enough to make a jot of difference in the broader scheme of things. We would still need imports to meet more than half of our demand for crude oil.

A cool appraisal of what we should do about that fact of economic life begins with an assessment of the risk to which our reliance on foreign oil subjects us. The worst nightmare—a total, coordinated cutoff of supplies to America in response to Arab unhappiness with our support of Israel—is most likely to remain just that, a bad dream. Oil is a fungible product, and it is impossible to deny any one country supplies of anything that is loaded into the hold of a tanker. The oil, with more or less subterfuge, would continue to be unloaded in whatever market it is most profitable to supply. Sheikh Zaki Yamani, one-time Saudi oil minister and now a consultant in London, today allows that the 1973 embargo "did not imply that we could reduce imports to the United States. . . . The world is just one market. The embargo was more symbolic than anything else." So embargo advocates either have to close down the entire industry, or watch a good portion of whatever oil they do export flow to America. The oil weapon, if it exists at all, is a shotgun, not a rifle.

Besides, oil producers are not very likely to be enthusiastic about cutting off supplies. Saddam may threaten periodic interruptions of the flow of his oil to world markets, but those interruptions are mitigated by the oil he smuggles out to evade the U.N. embargo, and are in any event only temporary. Venezuelan sources point out to me that their country has always honored its supply contracts with the United States, even during the days of Arab oil embargoes. Mexico may restrict supplies a bit to accommodate the OPEC cartel and raise prices, but is in no position to participate in an embargo that might damage the American economy, on which it depends as a market for its goods and a haven for its unemployed emigrants. Canada, our largest supplier, can certainly be counted among the most dependable.

And now we have a new, or at least bigger player in the world oil markets. Russia, challenging the Saudis for the title of world's number one producer, is playing its own game, and needs the foreign currency that oil sales bring if it is to continue to improve the living standards of its people and maintain the popularity of its president. It is clearly in Russia's interest to position itself as the reliable supplier, the one on which America can count regardless of developments in the Middle East. Vladimir Putin's reforms have made investment in developing Russian reserves less risky, and both domestic and foreign firms are pouring billions into developing oil (and gas) fields in Siberia and other parts of Russia.

Which brings us to Saudi Arabia, home of the world's largest and least costly oil reserves, and probably the only country with sufficient excess capacity to step up production quickly should Saddam or some other dictator attempt to roil markets by withholding supplies. Despite the warning to Bush, delivered through the obliging *New York Times*, the Saudis have made it clear that they would indeed open the spigots wider if supplies become too tight and prices so high as to threaten America's economy. "Oil is not a weapon. Oil is not a tank," said Adel al-Jubeir, a

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Saudi foreign policy adviser who accompanied Crown Prince Abdullah to Bush's Crawford, Texas, ranch in late April. If Iraq did indeed continue to withhold its 2 million barrels per day of U.N.-approved oil, "Saudi Arabia and OPEC will make up any shortfall due to any reason—political, military or natural disasters," the country's oil minister, Ali al-Naimi, announced.

But in Saudi Arabia things are never quite what they seem. Just as the kingdom's cooperation with us in the war against terror does not include cutting off the flow of funds to terrorist organizations and hate-mongering mullahs, so the promise to increase the flow of oil does not necessarily mean that the Saudis are pumping more oil. *BusinessWeek* reports that immediately after Naimi's statement, several oil companies with contracts to take Iraqi crude asked the Saudis to make up for the supplies lost as a result of Saddam's 30-day cutoff, and were turned down. One Arab oil industry executive said, "Naimi basically said Saudi Arabia can make up for lost supplies. He didn't say it will. It's not automatic."

Still, the Saudis desperately need all the revenues they can get to support their welfare state and keep their restless young merely sullen, but not mutinous, to support the lifestyles of the thousands of princes who feed at the public trough, and to protect the value of the billions they have invested in the American and other industrial economies. So sell their oil they will.

There is no reason to believe that an oil price spike circa 2002 would have the same effect as the oil shocks of the 1970s.

All in all, it is not a cutoff that America need fear should it continue its support of Israel, or decide to move against Saddam without the support of Arab nations. Nor need we worry about a reduction in supplies sufficient to cause prices to rise, even to peak levels of the past. As Richard Haass, now director of policy planning at the State Department, told a Senate committee in March of 2000, higher prices—within limits that we are not approaching—do not "constitute a national security problem."

True, higher oil prices transfer income from American consumers to Arab sheikhs, only some of which funds return here in the form of increased exports to producing nations. And that undoubtedly has a negative effect on economic growth, which we must reckon as a cost of anything we do in the Middle East that causes oil prices to rise.

But here we have to return to William Hogan's dictum: Let's ask the right question. Surely, that question is not: "Is there a cost to forcing regime change in Iraq?" Answer, "yes." Easy, but of no significance. The right question most certainly is this: "Is the cost to our economy of an attack on Saddam worth the benefit of eliminating an aggressive and hostile dictator who possesses and has used chemical weapons, and has or is on the verge of getting even more horrible weapons of mass destruction?"

Most people of a certain age remember the horror of gasoline lines, and days on which only drivers with even- or odd-numbered license plates could fill their tanks. A high price was paid in inconvenience and economic cost—but, we have learned, an unnecessary one, due more to ill-conceived price controls and rationing schemes than to any physical shortage of crude oil. No one in government would repeat that error.

Others remember the long period of disruption—think Jimmy Carter, 17 percent interest rates, high unemployment, a soaring misery index (the sum of inflation and unemployment rates)—that followed the 1970s upheavals in oil markets. Worry not. That trauma was also due more to policy errors than to any problems the oil producers were able to create.

In those days it was thought that a major increase in oil prices would trigger inflation. From that it was an easy jump to the conclusion that the monetary authorities should raise interest rates to offset the inflationary effect of the oil price rise. The result was a double whammy. Consumers were having money extracted from them by producing countries, reducing the income they could dispose of in America. And, simultaneously, the decision to raise interest rates was driving mortgage prices up and the housing industry down, increasing the cost of consumer debt, and discouraging new business investment by making capital dearer. Result: that terrible combination of inflation and recession that we came to call stagflation.

There is no reason to believe that an oil price spike circa 2002 would have the same effect as those earlier ones. For one thing, our economy is less oil- and energy-intensive than it once was. For another, even if a regime change in Iraq were to disrupt supplies from that country, other countries can fill the gap: immediately, if the Saudis keep their word not to use oil as a weapon; soon, in the likely event that the Russians put the health of their economy above the interests of their Iraqi allies.

Most important, we have learned from past policy errors. The monetary authorities know that they did exactly the wrong thing at precisely the wrong time when they raised interest rates in the 1970s. As Greenspan's Fed demonstrated when prices shot up from a $10 per barrel low in 1999-2000, the effect on economic activity can be

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minimized by accommodating that increase—keep interest rates down and monetary policy easy.

Such a policy cannot, of course, completely offset the effect on consumer purchasing power and on business costs of an oil price increase. There is no question that the spike in oil prices that is likely to follow the initiation of action against Iraq will slow our economy. Analysts at Goldman Sachs estimate that if the disruption were isolated to Iraq, prices would likely reach $40, a significant jump from the current $26 per barrel level. That spike would, they estimate, cut "a rather modest" one-half of a percentage point off our GDP by 2003. In a $10 trillion economy, that would come to $50 billion in lost output—not exactly chopped liver, but hardly devastating. And certainly not as costly as a terrorist attack using the weapons of mass destruction that Saddam has available.

So we are faced, first, with the question of whether we are willing to risk a very modest drop in GDP in order to eliminate a major threat to our safety and the independence of our foreign policy. History suggests we are. A bit over 200 years ago an agent of French foreign minister Talleyrand demanded a bribe of $50,000 in order to receive an American delegation protesting French attacks on U.S. shipping. Our minister to the French Republic, Charles Cotesworth Pinckney, replied, "Not a sixpence, sir." He was perhaps taking his cue from one Robert Goodloe Harper, a native Virginian who served as a representative from South Carolina and a senator from Maryland. A year before Pinckney refused to hand over the $50,000, Harper, rising to toast John Marshall, proclaimed, "Millions for defense, not one cent for tribute." We've had a bit of inflation since 1798, so millions are now billions. But we are also a bit richer. As the kids were once wont to say, "no sweat." After all, $50 billion is merely the net worth of one American, Bill Gates, or a small fraction of Bush's long-term tax cut, and not much more than we plan to spend every year on what is called "homeland defense."

Unfortunately, our policy problems do not end with the relatively easy answer that the benefits of regime change in Iraq far exceed the likely cost. We face another, and more difficult question: "What do we do if bin Laden or his ilk attempts to unseat the Saudi royal family?" Even if we immediately do all of the things we should be doing—conserving, drilling, diversifying supply sources by investing in Mexico (if they allow us to do so), and reconciling with Iran—a hostile takeover of Saudi Arabia would be a threat to our economic security.

The kingdom sits on 25 percent of the world's known oil reserves, and could easily add to its store of black gold by drilling in a few places where geologists know there is a lot more oil under the sand. The potential availability of its shut-in capacity, estimated at about three million barrels per day, keeps oil prices at levels that, although far above those that would prevail in a competitive market, are not entirely inconsistent with American prosperity during periods of tight supply. Whatever else we may think about the royal family, we can count on its greed and need for money to keep its oil flowing into world markets.

But bin Laden's followers prefer caves to palaces, and are driven by an ideology that would permit them to cut off their noses—and those of Saudi subjects—to spite American faces. Those who agree with the Taliban terrorists are, in the words of Princeton's Bernard Lewis, on "a downward spiral of hate and spite, rage and self-pity, poverty and oppression," which will culminate "sooner or later in yet another alien domination."

Although Lewis doesn't list America as one of the potential new dominating powers, he might well have. The United States simply cannot allow the rich, low cost (less than $5 per barrel to find and produce, compared with about $18 for Russian oil) reserves of Saudi Arabia to come under the control of a group set on this nation's destruction. In the long run we may be able to rely on the fuel cell to power our cars and trucks, or on some as yet unknown or uneconomic technology, or on a combination of Russian oil and oil from yet-to-be-discovered resources. But in the here and now we need gasoline. And that means crude oil. And that means we need the Saudi royal family, or some other U.S.-friendly regime, in control of the oil fields and their revenues.

That, in turn, means military power sufficient to maintain—or to install—such a regime. We used that power to keep Kuwait's oil out of the hands of Saddam, and Kuwait has only one-third of the reserves already known to exist in Saudi Arabia. We didn't have to love the rulers of Kuwait, quaking in their suites in London's Dorchester while we liberated their country. We simply had to retain access to their oil, and to make the easy choice between the ruling al-Sabah dynasty and Saddam Hussein to justify sending half a million men and women into Desert Storm.

American soldiers marched off to World War II singing "We did it before, and we can do it again." That tune may become appropriate once more should any hostile group make a grab for power in Saudi Arabia. Our energy policy for the foreseeable future, says Hogan, must deploy a combination of military and diplomatic tools. I would put the emphasis on the former. In the end, our aircraft carriers are the principal instruments of our energy policy, and will remain so for many years to come. If Congress wants to support a sensible energy policy, it should give the military what it needs, and leave the fate of corn farmers to the free market. ♦

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Let's Fight About Judges

If Bush takes on the left's hit squads, he'll have public opinion on his side.

By Noemie Emery

Faced with a Democratic Senate that obstinately blocks his judicial nominations, George W. Bush and his allies have two options: They can sit around and wait for the next blow to fall (meanwhile praying that Republicans recover control of the Senate in November). Or they can fight back. Those they should fight are the liberal hit squads that geared up in 1987 at the Robert Bork hearings, found their stride four years later in the Thomas-Hill circus, sat out the eight Clinton years, and came roaring back earlier this year in the confirmation hearings for Judge Charles Pickering, whose nomination to the court of appeals was choked off in the Judiciary Committee, before a floor vote.

The liberal hit squads form an iron triangle: the feminist left, the once-respected but now exclusively partisan civil rights groups, and the moral and sexual libertarians —People for the American Way, founded in and by Hollywood in 1980 to fight the religious right, and the more venerable American Civil Liberties Union. Their ends are to keep from the federal bench any judge who might moderate or amend their agenda, and their means have been frequently harrowing. The bad news is that these groups are filthy rich and fiercely determined. The good news is that they are extreme—extremely extreme—and the reason for the ferocity of their assault on Republican judicial nominees is their failure to muster support for their policy goals anywhere except among liberal judges. The time has now come to make them the issue; to shine a fierce light on their interests and tactics; to link all of these to the national Democrats; and make sure they all are held politically accountable.

These groups sell themselves as supporting all things bright and lovely: women's rights, civil rights, free expression. But they are badly out of step with American public opinion. Consider abortion: Polls show 91 percent of the American people think abortion should be legal when a woman's life or health is in danger; 85 percent would not make it illegal in cases of incest or rape; and smaller majorities support some form of access in the earliest months of pregnancy. After this, however, support sharply falls off. Following the first trimester of a pregnancy, 65 percent would make abortion illegal; in the sixth month this number goes up 18 points. Polls also reveal squeamishness among people who call themselves pro-choice over what they consider "bad" reasons for abortions (convenience, gender preference, etc.). To abortion rights lobbies, however, there are no bad reasons for a woman ever to choose, and no abortion is ever too late.

Abortion rights activists' favorite tactic in judicial fights is to warn that small groups of extremists are trying to frustrate the will of the people by placing restraints on abortion—an ironic complaint given that *Roe* v. *Wade* itself was a power grab of historic proportions by a small group of judges. Courts, to be sure, are supposed to read the law, not the latest Gallup poll. But conservatives shouldn't shrink from confrontation for fear of the polls. Support for abortion has been steadily falling, despite the still-fervent support of the press. In August 2001, Gallup found pro-life and pro-choice sentiment at parity (46 percent-48 percent) for the first time in its history, a swing of 23 points in six years. In the *Washington Post* magazine earlier this year, Liza Mundy reported that abortion providers are dwindling in number, because more and more doctors do not want to do them, or to work in practices that do. "There are a surprisingly large number of ob-gyns who don't do abortion for the simple reason that they don't believe in it," she noted. "Roughly one-third [told researchers from the Kaiser Family Foundation] they are 'personally opposed' to the procedure. This is a startling number, considering that in two older studies, one in 1971 and another in 1985, 88 percent of ob-gyns

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expressed support. . . . It suggests that many doctors, like many members of the American public, have grown more doubtful as the activism of the '70s has ebbed."

What the feminist left wants is not merely a country that permits abortion in some circumstances, but one that promotes abortion, supports it, and funds it with taxpayers' money. Similarly, what the civil rights lobby wants is to override the principle of equal treatment under the law and to build instead a race-conscious culture, with a foundation of quotas and set-asides that allow outcomes to be tweaked until they seem equal and rewards to be distributed by elites who decide what each group "deserves." Typical of what they support is the admissions scheme put in place in 1995 by the University of Michigan, which plotted the grades of its applicants on a grid that combined SAT scores and high school averages. So far, so good, but, as it turned out, for blacks, whites, Hispanics, and Asians, the numbers were treated differently. A student with an SAT score of 900 and a grade average of 3.0 stood an 89 percent chance of acceptance if black, an 86 percent chance if Hispanic, and a 4 or 5 percent chance if Asian or white. In 1995 Jennifer Gratz, a white woman from a working-class background, was refused admission despite a glowing résumé and a grade point average of 3.7. She is suing the school.

Hers is one of a number of lawsuits now making their way through the courts. Lawsuits like these motivate the liberal civil rights activists. For them, "civil rights" now means preserving admissions preferences like Michigan's. When they say conservatives will not protect civil rights "gains," they mean programs like Michigan's that engage in racial favoritism. When they say judicial nominees are "hostile" to "basic civil rights law," they don't mean the 14th Amendment or the Civil Rights Act of 1964; they mean hostile to programs like Michigan's. When they say a judge like Charles Pickering—who defied the Ku Klux Klan in Mississippi in the late 1960s and sent his children to integrated public schools in that state—is not reliable on civil rights matters, they mean he might rule against programs like Michigan's. They fear such judges for a very good reason—namely, that programs like Michigan's are arguably a violation of "basic civil rights law" and therefore are rightly endangered by judges who care about the meaning of the law.

The third leg of the stool is the liberty lobbies, keen to present themselves as valiant defenders of free thought and free speech from religious conservatives. The most aggressive and successful of these in opposing judicial nominees is no longer the ACLU but People for the American Way. In its own eyes (and its pamphleteering and direct mail), People for the American Way is an alliance of actors, artists, and activists banded together to oppose and resist the many attempts at repression and bigotry that come from the right wing and the churches. Their critics see them quite differently. They see a group of extremely rich people and corporations who make a great deal of money selling sex and violence, often to children, and who want to make sure that their business is protected, that there is always a ready audience at hand. Funding People for the American Way are such groups as the major motion picture studios, the TV cable networks, the Internet companies that have opened new vistas in sex exploitation, and the major purveyors of the sort of rap music that glorifies murder and rape. These are the people and companies that drive parents crazy, who make them feel that the culture itself is their enemy. These are the people who want the loosest possible limits on what can be seen, sung, and sold.

When most people hear the words "freedom of speech," they tend to think of political speech, the right to criticize leaders and government. But with left- and right-wing screeds high on the bestseller lists, with the political shout shows thriving on cable, with *Saturday Night Live* lauded everywhere for making vicious fun of our leaders, this right does not seem in great danger. What are in the courts are a variety of obscenity cases and pornography cases. These are issues in which PFAW's deep-pockets contributors have an enormous material interest. They want judges who will protect this interest. And though some of these judges are actually libertarian-leaning conservatives (think Clarence Thomas), People for the American Way tends to oppose all conservative nominees without distinction, the "religious" and the "libertarian" alike.

"We are alarmed that some of the current voices of stridence and division may replace those of reason and unity," ran PFAW's founding mission statement in 1981. Its "long-term agenda" today makes for fairly strange reading: "fostering understanding among different segments of our society, and increasing the level and quality of public dialogue . . . our highest purpose is to nurture a national climate that encourages and enhances the human spirit, rather than one that divides people into hostile camps." This, of course, is the same group that soon went nuclear against nominees it opposed, scanning video rentals for signs of perversion, trolling for rumors about private behavior, and indulging in the same forms of guilt-by-association that gave McCarthyism its bad name. George W. Bush ran in 2000 partly against the cutthroat political culture of Washington, and he won the debates when Al Gore came across as too aggressive, too relentless, too uncivil. People for the American Way can

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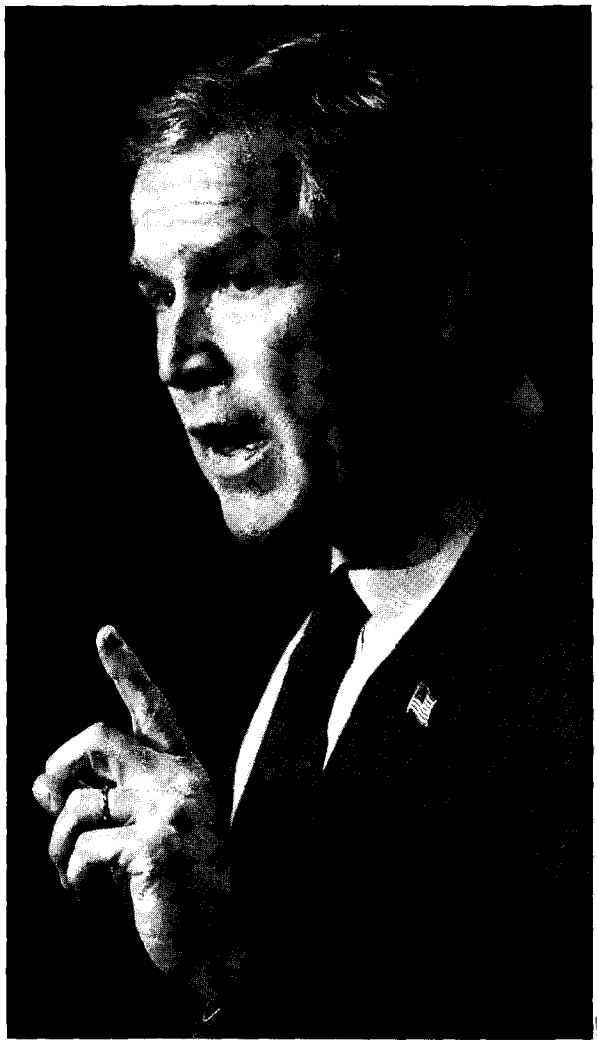
be opposed in the same way—as too politically bloodthirsty for the tastes of the American public. Voters should be asked if they find its character assassination tactics appealing. The answer will likely be "no."

Lavishly funded—including, as *National Review*'s Byron York tells us, by media organizations such as the *New York Times*—People for the American Way and its allies have earmarked large sums of money for deployment in the nominee wars. It is no surprise that they have focused their aim on the least democratic branch of the government; that's where they've had their greatest successes. It is easier to block one judge or one bureaucrat than to elect someone to state or to national office; easier to move one committee than to move the whole Congress; easier to concentrate all one's forces on key points of pressure than to make one's case to the country at large. The power these groups wield now is largely a product of circumstance: a Republican president elected, but barely; a contrary Senate, Democratic, but barely (and because of a party switch, not an election); a Judiciary Committee that is therefore 10-9 Democratic (and all liberal Democrats). These groups tend to win by throwing up roadblocks, and thwarting the popular will.



AFP

Bush calls for action on his nominees, May 3.

The president and his conservative allies can therefore take a leaf from the interest groups' playbooks, and portray them, accurately, as "extreme" and "outside the mainstream." To them, "women's rights" is code for unfettered abortion; "civil rights" is code for quotas; and "freedom of expression" means the most vulgar excesses of the entertainment industry. The case should not be hard to make. Support for unrestricted abortion rights *is* an extreme, out-of-the-mainstream position. And to most Americans, "civil rights" still means equal treatment under the law. Do Americans want their courts packed and paid for by Hollywood money? Do Americans really like the idea that their 14-year-old daughter should be allowed to get an abortion behind their backs? Do they like the idea of their children trolling the Internet for smut?

Those who say "yes" will be a fairly small number, and most will be in the Democrats' camp. Those who say "no" will be a much larger number, and be likely to live in swing states. As E.J. Dionne noted recently in the *Washington Post*, "In the House, southern and rural Democrats fear national party messages that would be too liberal for their districts. After the 2000 election, said one House Democratic strategist, 'the moderate members . . . became absolutely convinced . . . that a national message would hurt them, that the gun control issue had killed them, and that abortion hurt them significantly.'" The political tactic to draw from this is clear: The liberal judicial hit squads' agenda *is* the Democrats' national message, and one that the party's candidates should be grilled on repeatedly.

Georgia's renegade Democratic senator Zell Miller has said that the decision to block Charles Pickering's nomination to the federal bench by tarring him as racist will probably cost the Democrats the governorship of Mississippi, and hurt them elsewhere in the South. It may hurt them too in the other "red" states: the places that liked Bush already in the 2000 election, and now like him even better. Most of the Senate seats up for grabs in the 2002 cycle are in the red states. According to the *New York Times*, abortion rights lobbies plan a head-on assault on another Bush nominee, Judge Priscilla Owen, for showing "the most extreme hostility to abortion rights of any of the nominees." The evidence of her extremism? She supports parental notification for teenaged girls seeking abortions. Three-fourths of the country tends to agree. This is a fight the White House should pick. ♦

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The Big Lie (I)

Are the "occupied territories" really occupied territories?

As Adolf Hitler discovered, the Big Lie will eventually be accepted as the truth. The Big Lie, the monster whopper of our time, is that the provinces of Judea/Samaria, often called the "West Bank" are "occupied territories."

What are the facts?

A Brief History: Most of the area now called the Middle East was part of the Ottoman (Turkish) Empire before World War I. Germany lost the war and so did its ally Turkey. The Ottoman Empire ceased to exist and the League of Nations assigned Britain and France as the mandatory powers.

France assumed mandatory control over what is now Syria and Lebanon. Britain assumed mandatory control over all the rest, including "Palestine," which comprised all that is now Jordan and Israel, including the "West Bank." The Golan Heights, which Syria now claims as its age-old patrimony, was originally part of Palestine.

> "The Big Lie of Israel's 'occupation' has been repeated so long and so often that even people of good faith have come to believe it and to accept it."

In 1917, the British issued the Balfour Declaration, under which Palestine was to be a homeland for the Jewish people. In 1921, Winston Churchill, who was then Colonial Secretary of Great Britain, separated all the land east of the Jordan River from the territory designated to be the Jewish homeland, and awarded it to the Hashemites, who established the kingdom of Transjordan.

The Arabs, whipped up by their fanatic clergy, fiercely opposed the presence of the Jews on what they considered "sacred Moslem territory." There was constant warfare between the two groups, which the British tried to arbitrate, always favoring the Arabs, whom they considered more important to their imperial interests.

In 1947, the British decided that they had enough and resigned the Mandate. They left the Arab-Jewish antagonists to their own devices and turned it over to the United Nations. Their solution was to partition Palestine into a Jewish and an Arab state. The area west of the Jordan River (the "West Bank") and the Gaza Strip were allotted to the Arabs. Jerusalem was to be an "international" zone. After much soul searching, the Jews accepted the partition and, in April 1948, declared their independence in the area allotted to them by the partition. The Arabs rejected the partition out of hand. On the very day of Israel's birth, five Arab armies invaded the nascent Jewish State. In what must be considered an almost Biblical miracle, the ragtag Jewish forces decisively defeated the combined Arab might. But Israel had suffered enormous casualties – 6,000 dead, about one per cent of its population.

Israel not an "occupier": Israel stayed in control of most of the area west of the Jordan River, except for the Gaza Strip, which stayed under Egyptian control. The "West Bank" and the eastern part of Jerusalem stayed under the control of Transjordan, which promptly renamed itself Jordan and proceeded to ruthlessly expel all Jews and to obliterate all vestiges of over 2,000 years of Jewish presence in that land.

In the 1967 Six-Day War, Israel recovered the "West Bank," the eastern part of Jerusalem, the Gaza Strip, conquered Egypt's Sinai Peninsula, and conquered and annexed the Golan Heights. During the 19 years that Jordan and Egypt were in possession of the "West Bank" and the Gaza Strip, it didn't occur to them or to anybody else that the Palestinians should have a state or even that they were a distinct nationality. The claim for that did not arise until after the Six Day War.

Jews have been living in Judea/Samaria since Biblical times. The area was made *judenrein* (free of Jews), following the Nazi model, by Jordan, when it was in possession of the territory. After 1967, Jews moved back into the territory and a great hullabaloo was raised and is still being raised about the not more than 200,000 "settlers," who do not occupy more than 2 per cent of the area. But there is no concern about the hundreds of thousands of Arabs, who, lured by the prosperity of Israel, have flooded into the area, nor of the more than one million Arabs who live in Israel proper and who enjoy full rights of citizenship.

Israel acquired the territories (the "West Bank" and Gaza) in defense of an aggressive war waged against it. No country in history has ever been asked to return such territories. Do the Poles return the huge chunk of Germany that they acquired in the wake of World War II? Do the Czechs return the Sudetenland, do the French return Alsace-Lorraine? Of course not! Only Israel is being asked to return such territories. The last sovereign of the "West Bank" and of Gaza were the Ottomans. The "West Bank" and Gaza are unallocated territories. To speak of Israel as "occupier" is preposterous; to speak of it, as Kofi Annan, the Secretary General of the UN does, as "illegal occupiers," is poisonous slander. He knows better. But unfortunately, the Big Lie of Israel's "occupation" has been repeated so long and so often that even people of good faith have come to believe it and to accept it.

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Gerardo Joffe, President

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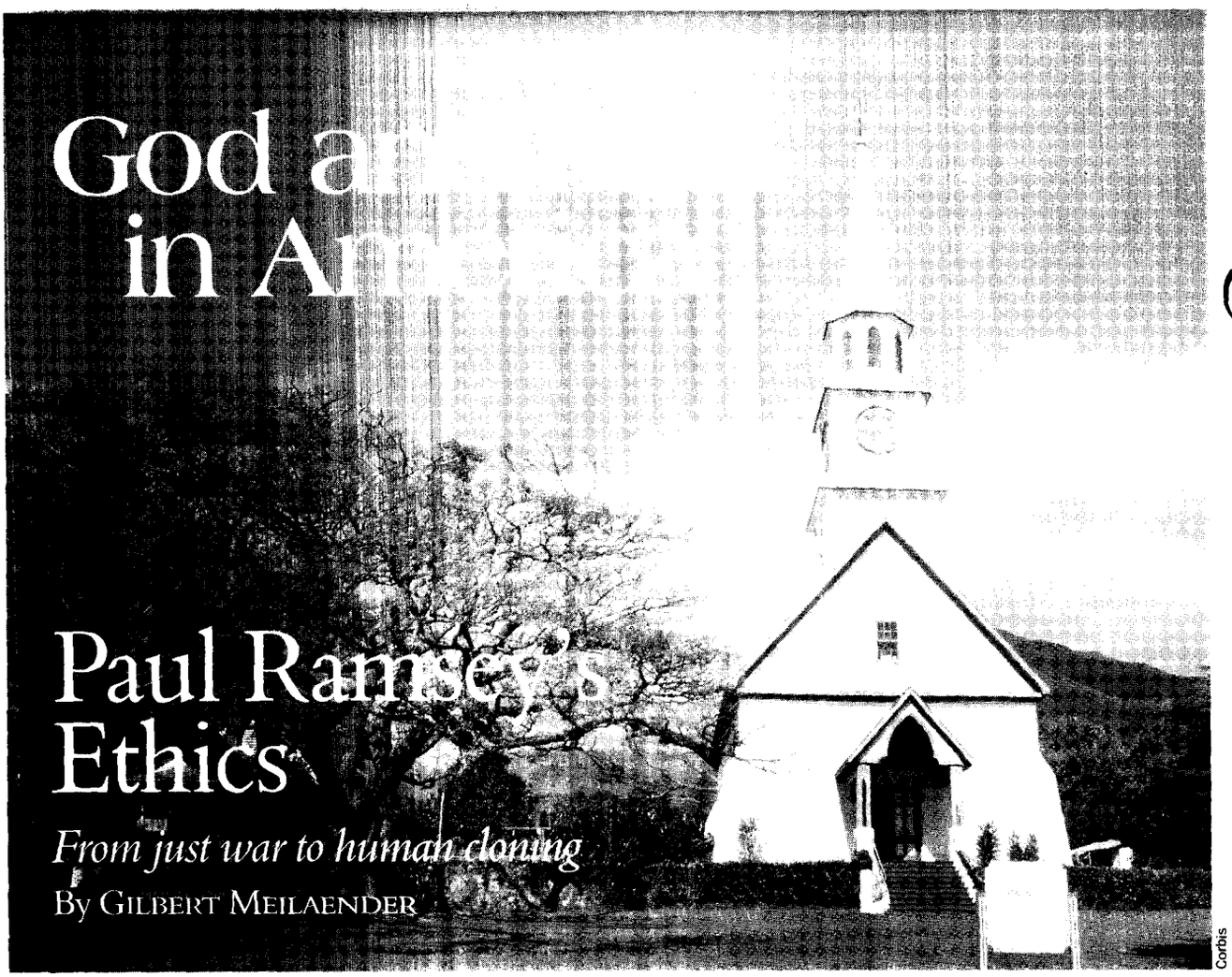

God a in Am

Paul Ramsey's Ethics

From just war to human cloning

By Gilbert Meilaender

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In a time when war and cloning seem to dominate the news, it is worth recalling the writings of Paul Ramsey—for he spent a decade of his life thinking and writing about just-war theory, and better than another decade helping to shape the emerging field of bioethics. Beyond all that, Ramsey was a larger-than-life figure, hard to forget for all who knew him.

Born in Mississippi in 1913, the son of a Methodist minister, Ramsey spent almost all of his academic career teaching at Princeton University. He retired from Princeton's department of religion in 1982, having taught there for thirty-eight years. After retiring he devoted much of his (always formidable) energy to editing the *Ethical Writings of Jonathan Edwards* for the Yale edition of *Edwards's Works*, a volume that was published in 1989, a year after Ramsey died.

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As a teacher and conversationalist, Ramsey could be overpowering. To argue with him was to be forced into constant refinement of one's view. He would probe, push, and hypothesize in a style uniquely his own—punctuated by puffs on his pipe, by sentences ending "heh?" or "you know?" but not really requiring any answer—as he pressed on with his analysis. If one did manage to get in a few words, Ramsey would go to work again—demonstrating the shortcomings of one's viewpoint but, at the same time, turning it into a stronger, better argument than it had been.

The Patient as Person
Explorations in Medical Ethics
by Paul Ramsey
Yale University Press, 320 pp., $17.95

Although he liked to refer to his writing as his "poetry" and was sometimes given to rhetorical flights appropriate to the son of a Methodist preacher, his writing was of a piece with his conversational style. That is, it involved a relentless probing of arguments, always in conversation with the work of other scholars. Ramsey seldom developed his own view straightforwardly; he preferred to unfold it by dissecting, at length and always with gusto, the arguments of others. He was, as a colleague of mine once put it, an "intellectual street fighter." This can make for heavy going for his readers, especially today when many of his interlocutors may be less well known than they were when he wrote. A reader must be willing to follow the twists and turns of the argument, watching Ramsey dissect the writing of other authors whose work is no longer familiar.

Moreover, no one can deny that his "poetry" appeared to others as rather convoluted prose. Ramsey knew this, of course, and could laugh about it. Once he had cards printed up for himself. On one side were his name, degrees, and office address. On the other side was a sentence from a review of his *War and the Christian Conscience*: "Incidentally," the reviewer observed,

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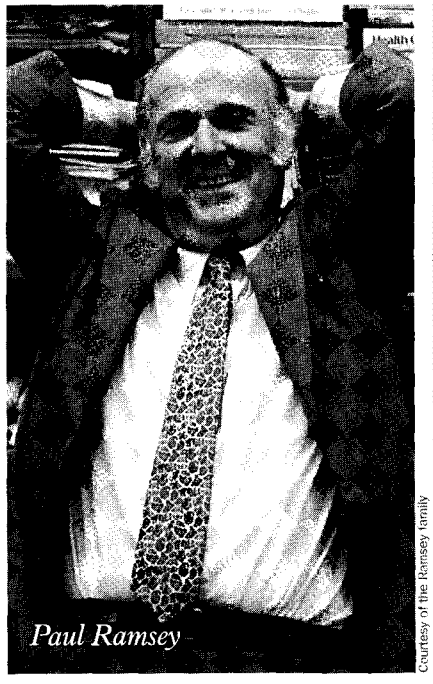
"the book is written in a beautifully articulate style which reveals an exceptionally clear and charitable mind, and makes it, in so far as any book on this subject can be, a positive pleasure to read." Ramsey was not about to let such a rare favorable comment on his prose go unappreciated or unnoticed, and he would pass out the cards, observing that this was "an answer to my detractors." He was capable of real poetry, though, as when he dedicated *Nine Modern Moralists* to his twin daughters, "individual pearls of equal price." (That dedication, incidentally but unsurprisingly, captures the heart of Ramsey's ethic of Christian love: It affirms unconditionally and, hence, equally the being and well-being of each person given into our care.)

Because Ramsey's writing is difficult both stylistically and conceptually, one must make an effort to read him. For anyone willing to take the necessary pains, however, the effort will be rewarded. One place to begin is with the collection entitled *The Essential Paul Ramsey* (1994). The editors, William Werpehowski and Stephen Crocco, managed to excerpt portions of Ramsey's writings in ways that do not require readers to make their way through all the twists and turns characteristic of a Ramsey argument. And their brief introduction provides a helpful starting point.

Nevertheless, if one really wants to profit from sustained engagement with his work, there is nothing to be done but to tackle Ramsey whole. To that end, one might well begin with *The Patient as Person*, first published in 1970 and recently reissued by Yale University Press. When Ramsey wrote about subjects such as medicine and war, he always sought to learn as much as he could from specialists in the field. He was an extraordinarily good listener, and he had the kind of mind that could work an issue through from various angles, finding every bit of illumination that was available.

In the late 1960s, when he turned his attention to medical ethics just as it was beginning to emerge as a focus of interest and concern in this country, he first held a research appointment at Georgetown Medical School. That research formed the background for the Lyman Beecher Lectures on Medical Ethics that he delivered at Yale in 1969—and those lectures in turn became *The Patient as Person*, by any standard one of the truly influential works in bioethics. Though marked by Ramsey's poetry at any number of places and, of course, dated in certain respects, it is very readable and still highly relevant. There are chapters discussing the ethics of human experimentation, the determination of death, the donation of organs for transplant


Paul Ramsey

Courtesy of the Ramsey family

from both living donors and cadavers, and the allocation of scarce resources. On all these subjects Ramsey continues to be well worth reading. The third chapter, "On (Only) Caring for the Dying," is, I think, Ramsey at his very best and remains one of the classic essays in the field of bioethics.

The unwary reader should not assume, though, that any of these chapters offers the final word on its subject. Ramsey himself did not believe that, nor was it his intention. He wrote, as he liked to say, "to continue the conversation." He refined and, even, withdrew some of his arguments in later writings. Indeed, on the topics to which Ramsey devoted the bulk of his energy—especially just-war theory and medical ethics—his later treatments almost always become more convoluted and the arguments ever more complex. The British scholar Oliver O'Donovan has noted this characteristic of Ramsey's writing and described it nicely: "His first book in each field was a general map-drawing book, identifying the key moral species-terms which Christian tradition offers. . . . The later work in each field takes the reader deep into the task of discernment itself and allows its bewildering complexity to emerge."

Any reader who wants to observe this might consider, for example, the movement from the clear and straightforward discussion of "rules" in *Basic Christian Ethics* (1950) to the more complicated discussion of *Deeds and Rules in Christian Ethics* (1967), to the enormous complexity of argument in "The Case of the Curious Exception" (in 1968 in a volume called *Norm and Context in Christian Ethics*). Or, again, one might look at the increasing complexity of argument as one moves from *War and the Christian Conscience* (1961) to essays in *The Just War* (1968).

In medical ethics, much the same kind of movement takes place from *The Patient as Person* in 1970 to *Ethics at the Edges of Life* in 1978. In 1970 Ramsey had been concerned to oppose medical overtreatment, and he sought to clear space for patients to participate in decision-making and to refuse treatments that were useless or burdensome.

At times he seemed to make treatment refusals turn on considerations of quality of life, and he could even write of the possible "choiceworthiness of death." The basic rule articulated in *The Patient as Person*, shaped by what Ramsey called covenant love, is "never abandon care." Yet Ramsey was prepared to consider as a thought experiment two circumstances in which one might make an exception to the rule: when a patient is "irretrievably inaccessible to human care," and when a patient suffers "a kind of prolonged dying in which it is medically impossi-

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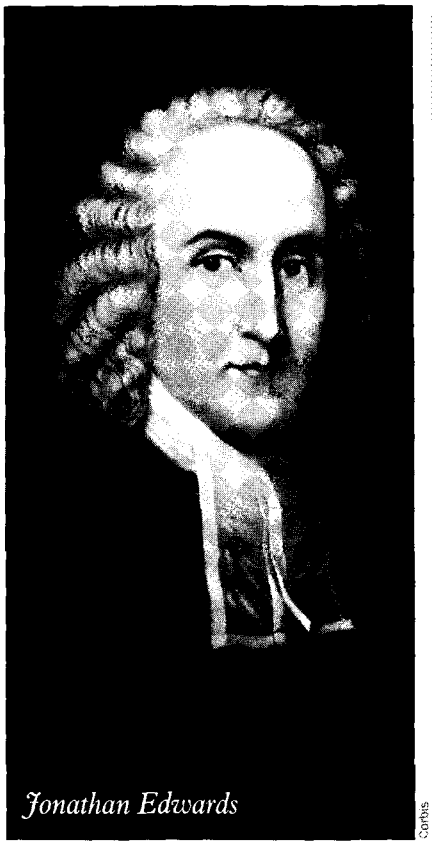
ble to keep severe pain at bay." In such circumstances, Ramsey thought, if care can no longer be given (because it can no longer be received), the obligation to give it ceases. At that point, it would, he tentatively suggested, be permissible not just to "let die" but also to kill.

By the time Ramsey returned to these issues in *Ethics at the Edges of Life*, he had subjected his own earlier positions to continued scrutiny, and he had also taken note of how swiftly the context for medical decision-making was changing. Where a decade earlier he might have worried chiefly about useless or burdensome overtreatment and about patients who were given little say in decisions about their own treatment, he now was inclined to fear undertreatment, especially for those patients whose lives seemed of little worth or who were vulnerable and unable to speak for themselves. Now he worried that, in the name of patient autonomy, physicians might become little more than well-educated technicians placing their skills in service of patient preferences. Now he was alert to the fact that one could not "let die" a patient who was not in fact dying. One could only choose not to treat so that the patient would die. And, without exactly retracting his thought experiment, Ramsey now withdrew the exceptions to the rule "never abandon care" that he had proposed in *The Patient as Person*.

In short, to read Ramsey seriously is to commit oneself to following the twists and turns of his argument over time. This will, however, almost always benefit the reader. For example, anyone paying attention to our society's current arguments about cloning could profit greatly from reading "Shall We Clone a Man?" (chapter two of Ramsey's little book *Fabricated Man*). Here one will find reflection that takes us well beyond questions of safety alone, the only sort of issue that our own public debate often seems to understand.

Ramsey ponders the significance of cloning for the meaning of human parenthood and the moral importance of the fact that in "natural" procreation



Jonathan Edwards

Corbis

the child's being is the mysterious product of parental self-giving—the result of "doing," not of "making." He notes that cloning invites a kind of rationalization and control of human reproduction and that it encourages us to think of human nature in terms of a limitless self-modifying freedom. This is ethical reflection that does not pause immediately and constantly to worry whether a pluralistic society can digest such reasons and arguments; instead, it takes seriously the human goods and meaning involved in what we do or ponder doing.

The same is true of Ramsey's writing on other subjects—especially, the morality of war. To take just one example, to make one's way through the essays on the morality of deterrence in *The Just War* is to be taught to think far more seriously than we generally do about missile defense as a moral issue.

These essays are notoriously complex, as Ramsey refines his view and changes his mind several times. Indeed, Michael Walzer once wrote of Ramsey's writings on deterrence that "he multiplies distinctions like a Ptolemaic astronomer with his epicycles."

We do Ramsey an injustice, however, if we overlook the fact that he wrote as a self-described "Christian ethicist." Indeed, the two areas upon which he focused so much attention—warfare and medicine—are held together in the specifically theological language of one sentence in the preface to *The Patient as Person*: "Just as man is a sacredness in the social and political order, so he is a sacredness in the natural, biological order." Sometimes Ramsey used the language of *agape*, Christian love, sometimes the language of covenant fidelity (which, while for him largely continuous with the language of *agape*, allowed Ramsey to make more immediate contact with the practice of medicine, which is itself covenantal).

Nevertheless, the theological underpinnings of Ramsey's reasoning are not always on display in his writings on warfare or medicine. In part, this was because he sometimes found nontheologians to be his most helpful interlocutors. Thus, for example, looking back on his work in medical ethics and his disagreements with Robert Morison (a scientist who did not share Ramsey's theological commitments), he wrote: "I always learned more from Morison than from many a soft-headed theologian."

More important, however, Ramsey thought he had theological reason for beginning with what he could learn from those whose vocation it was to think and know much about the practices of warfare or medicine. That theological justification Ramsey found in the Christology of the first chapter of the Gospel of John, which describes the Word made flesh as One who comes to those who are "his own," who cannot therefore be entirely alien.

Of course, whatever one learns from those who practice medicine must still be brought within the scope of covenant fidelity and thereby transformed, but Ramsey was willing to begin that transforming process by gratefully accepting wisdom wherever he found it.

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Very early in his career, Ramsey had edited Jonathan Edwards's *Freedom of the Will*, the first volume published in the Yale Press edition of the works of the great early American theologian and evangelist. That issue itself does not seem to have engaged Ramsey's sustained attention, but Edwards clearly did. The years between Ramsey's retirement in 1982 and his death in 1988 were largely devoted to editing another volume of the *Works*, *Edwards' Ethical Writings*. Ramsey's introduction to this volume runs to 121 pages, and earlier drafts of it were longer still. Clearly, he found in Edwards a depth and agility of mind, as well as theological insight, that he relished enormously. Ramsey's very first book was *Basic Christian Ethics*, and it was never clear whether the later developments in his views were merely amplifications of that first book or whether his thought had turned in new directions, and Ramsey was often encouraged to write another *Basic Christian Ethics* at the end of his life. That idea he always resisted, but in some ways the engagement with Edwards—and the long introduction, which is, in many respects, not just about Edwards but about Ramsey thinking about and with Edwards—is a return to such systematic themes.

Ramsey put his completed Edwards manuscript in the mail, knowing that he was scheduled to see his doctors, who might well have bad news for him (which, in the event, they did). One has to believe that the date at the end of his long introduction to the volume is done with great self-consciousness; Ramsey was not the kind of man to miss the significance of a gesture. The introduction is dated "Feast of St. Luke the Physician." At his last class lecture prior to retiring, Ramsey had used the occasion to read to his students from Edwards's *Charity Sermons*. The fifteenth and last of those sermons, which Ramsey greatly relished, is titled, "Heaven is a World of Love." "All things in that world," Edwards writes, "shall conspire to promote their love, and give advantage for mutual enjoyment. There shall be none there to tempt them to hatred, no busy adversary to make misrepresentations or create misunderstandings."

What, we might wonder, will there be for the intellectual street fighter to do? Edwards has the answer: "There shall be no want of strength or activity, nor any want of words to praise the object of their love. . . . Love naturally desires to express itself; and in heaven the love of the saints shall be at liberty to express itself as it desires, either towards God or one another." In short, an endless conversation, a heaven perfectly suited to Paul Ramsey. ♦

Stanley Hauerwas's Pacifism

The radical gospel.

BY THOMAS HIBBS

What do the pope, a Mennonite pacifist, and the founder of the left-leaning Catholic Worker movement have in common?

They all play central roles in the thought of Stanley Hauerwas, the Methodist thinker and Duke University professor whom *Time* magazine has named "America's best theologian" and one of the most important figures in American thought over the last decade. For Hauerwas, these three twentieth-century figures—John Paul II, John Howard Yoder, and Dorothy Day—run counter to the most prevalent tendencies of modern theology. By their teachings and, even more, by their lives, they oppose what the theologian John Milbank calls the "false humility" of modern theology: its unwillingness or inability to provide a comprehensive vision of the world.

With the Grain of the Universe
The Church's Witness and Natural Theology
by Stanley Hauerwas
Brazos, 249 pp., $22.99

The Hauerwas Reader
edited by John Berkman and Michael G. Cartwright
Duke University Press, 744 pp., $27.95

Hauerwas is the last person anyone would accuse of false humility. A Texan born in 1940, he is famous among academics for his love of bawdy humor, his hunger for Mexican food, his large personality, his ceaseless work schedule, and his profanity-larded speech. (One author tells the story of being awakened by a phone call just before 7 A.M. that began, "I'm a professor at Duke named Stan Hauerwas, and I just wanted to say that was a great f—ing piece you just published.") Hauerwas is famous as well for reading literally everything published in every field of theology, for his massive correspondence, and for the number of devoted students he's turned out—especially the graduate students, who, perhaps even more than his writing, have made him the most influential theologian in the nation.

Recent months have seen the publication of two books from Hauerwas: *With the Grain of the Universe* (his Gifford lectures, the most distinguished international lecture series in philosophy and theology, which he gave in 2001) and a retrospective compilation of his essays called *The Hauerwas Reader*.

In the Gifford lectures, Hauerwas traces the decline of Christian theology and demands its liberation from political liberalism. To make his case, he looks, in particular, at the work of

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William James, Reinhold Niebuhr, and Karl Barth—all three of whom preceded Hauerwas as Gifford lecturers.

In *The Varieties of Religious Experience* and elsewhere, James argues that, given modern science, theology can no longer tell us anything about the way things are—and yet we are beset at the same time by a need for a vision of our place in the universe that science cannot supply. By helping us "reclaim the human from the impersonality of chance," religion sustains hope and supports human endeavor in the face of the apparent meaninglessness of the world. Religion for James is thus very limited. It principally concerns the "feelings" of isolated individuals and thus excludes the institutional and communal context of religious practice by pushing doctrine to the margins of religious life.

Reinhold Niebuhr's theology is usually contrasted with James's. Niebuhr's insistence on the reality of original sin and his rejection of pacifism in the face of the Nazi threat are often seen as a public reassertion of distinctively Christian doctrines. Hauerwas strongly disagrees. Since Niebuhr thinks the effects of original sin are obvious, he can deploy the notion of original sin as the basis for promoting a general virtue of humility, understood as liberal toleration. Niebuhr's project is thus only another means (like James's) for constructing a "liberal Christianity acceptable to liberal culture and politics." Theology becomes "ethics and ethics becomes an investigation of the conditions to make liberal society work." Like James before him, Niebuhr ends up confirming the atheistic thesis—put most famously by the nineteenth-century philosopher Feuerbach—that "theology is a disguised way of talking about humanity." The result may never quite become full-blown atheism, but modern theology seems determined, as Alasdair MacIntyre puts it, to give "atheists less and less to disbelieve."

There is, however, another route: the path blazed by Karl Barth. For Hauerwas, Barth is the key twentieth-century theologian, because he turns "Feuerbach on his head." Barth reasserts the claim that a proper understanding of the Christian life requires an assertion of Christianity as a universal vision about the way things are. Indeed, the truth-claims of Christianity are embodied in the witnesses of individuals as participants in the practices of the church. As for the canard that this sort of Christianity renders one indifferent to injustice and worldly politics, Hauerwas notes that Barth himself issued the famous Barmen Declaration and refused to take the oath of loyalty to Hitler.

Stanley Hauerwas

Courtesy of the Institute on Religion and Public Life

But where does Hauerwas's Barthian turn leave us? Just what is the distinctiveness of Christianity, its theology, and its practices? *With the Grain of the Universe* ends by pointing us toward contemporary witnesses of the Christian life: John Paul II, John Howard Yoder, and Dorothy Day. But to flesh out that answer, one has to turn to the pieces gathered in *The Hauerwas Reader*, which gives us Hauerwas at his nonsystematic best, as a master of the occasional piece reflecting on contemporary debates from the perspective of the church.

The Hauerwas Reader contains selections from Hauerwas's early books that launched his distinctive career as a theologian. Those books, particularly *Vision and Virtue* (1974) and *Character and the Christian Life* (1975) contained remarkably prescient reflections on key ethical issues. Hauerwas has been so successful that we forget just how unusual his work was at the time. When he came of age as a theologian, moral theology was embroiled mainly in endless debates about principles versus circumstances and whether exceptions could be granted to moral rules for the sake of a greater good.

This was theology's version of the arguments that dominated twentieth-century moral philosophy between the rule-based ethic of Kant and the consequence-based strategies of the utilitarians. What both the Kantian and the utilitarian models typically leave out is a sense of the capacities of perception, articulation, and judgment that human agents must possess in order to decide what ought to be done. By the last quarter of the century, certain moral philosophers—originally led by Thomistic thinkers and culminating in Alasdair MacIntyre's *After Virtue* in 1981—began to see their way clear of this impasse by recovering premodern notions of character and virtue as the central categories in ethics, particularly with terms of moral appraisal such as "courageous," "generous," or "spiteful" that are simultaneously descriptive and evaluative.

It is typical for theological developments to follow in the footsteps of philosophical advances. MacIntyre's *After Virtue* is the most innovative book of moral philosophy in the second half of the century and the seminal entry in the ethics of character and virtue. But what is astonishing about Hauerwas's achievement is that his *Vision and Virtue* and *Character and the Christian Life* predate MacIntyre's work. The theology of his day provided Hauerwas with very few resources for this turn, and he seems—all on his own—to have intuited the direction moral philosophy was about to take and applied it brilliantly to moral theology. It must have seemed to his fellow theologians as though it came out of nowhere, and it swept across the field, exposing in an instant the sterility of the dominant theological debates.

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In any discussion of virtue ethics, Aristotle stands at the beginning. Tracing his way through the tradition, Hauerwas perceived the central role played in ancient ethics by concrete examples and paradigms of virtue and vice—as, for instance, in Plutarch's *Lives*. All this prompted him to focus on the distinctive role in Christianity of narratives, scripture, the lives of the saints, and liturgical practice in the formation of individuals capable of seeing the world with the eyes of Christ. In part because many of his formative years were spent as a professor at Notre Dame, he also took up St. Thomas Aquinas. (It is one of the great ironies of contemporary theology that the Methodist Hauerwas has produced more students of Thomistic ethics than entire Catholic departments of theology.)

And yet, what Hauerwas claims to have learned from Thomas is the fundamental opposition between the virtues constitutive of Christian excellence and the "ideology of liberalism," which wants "to create a society where no one has to die for what they believe." Hauerwas is acutely sensitive to the way contemporary Christianity follows Locke in the subtle transformation of the meaning of charity and forgiveness so that both become indistinguishable from toleration. He sees the dominance of the language of toleration as fostering an indifference to the purpose of our lives and to the making of judgments about better and worse ways of living. In order to get along in a liberal order, Christians have become a mere "people of goodwill."

Hauerwas's distaste for the liberal order has real consequences. A baffled interviewer once asked him, "How will we get anything done?" And Hauerwas replied, "Why do you think your first task as a Christian is to make society work?" He worries that American Christians, whether liberals or conservatives, see their fundamental allegiance to America rather than to Christ and his church. Thus, they ignore the scriptural admonition that "we have here no lasting city" and risk making an idol of the state.

In language that often mirrors John Paul II's analysis of the culture of death that now threatens advanced Western societies, Hauerwas takes aim at our attitudes toward sex and toward those members of our community whom we increasingly deem less than human. Precisely because even Christians have grown afraid to speak of the purpose of anything, our public discussion of sex vacillates between a realism that subordinates moral norms to norms of health and a romanticism that sees sex as a "significant gesture" but cannot tell us why this is so or how that insight ought to guide behavior. We lack a shared narrative or vision of the meaning of sex. With his students, Hauerwas is blunt: "You always marry the wrong person."

He is quick to add that this proposition—known fondly among his students as Hauerwas's Law—is reversible: "You always marry the right person." The point is that neither Christian marriage nor the having of children is about self-fulfillment. Instead, Christian marriage involves participating in an exalted political enterprise, an adventure in faithfulness, a way of remembering that what matters most is God, not making the world safe or rich. This vision of marriage is incompatible with the "self-interested individualism promoted by liberal politics and a capitalist consumer economy." Our cynicism, rooted in the assumption that there is "nothing to which one can worthily dedicate one's entire life" is a correlate of our liberal, individualist politics, which counsels us that we must "always be able to disengage from commitments at any moment."

The same individualistic attitude of disengagement informs our public discussion about biotechnology, abortion, suicide, and euthanasia. As a way of underscoring the amoralism often operative in the scientific community, Hauerwas once asked a defender of experiments on fetal tissue: "What if it were discovered that fetal tissue were a delicacy. Could you eat it?" He contrasts the sense of "collective responsibility" that made suicide rare among African-American slaves with our mainstreaming of the practice. This, he says, is a symptom of "pathogenic abandonment" in which hardness of heart, an unwillingness to bear the burdens of our neighbors, masquerades as compassion.

Hauerwas is certainly in favor of Christian resistance to abortion and euthanasia. But he is made anxious by those who opt for the language of a "right to life" instead of the scriptural language of life as a gift. Right-to-lifers may thereby gain a hearing in the public realm, but they also distort the distinctively Christian understanding of human dependence—and thus unwittingly reinforce the notion that our humanity consists in our prized autonomy, our self-conscious independence from others.

This critique of the right-to-life movement indicates that, although Hauerwas is at odds with liberalism, he is not at home with Christian conservatives either. In his "A Christian Critique of Christian America," Hauerwas takes aim at the neoconservative argument that religion is a necessary source of the morality requisite for a democratic polity.

The problem, as Hauerwas sees it, is the assumption that there is one morality, Judeo-Christian morality, operative in America. Instead, there is a conflict between moralities. And many Americans, not just members of the liberal media, find that they can proceed just fine as Americans while opting out of the traditional, Christian ways of life. In fact, Hauerwas seems to welcome a post-Christian America, because it may free Christians to see themselves primarily as Christians.

Above all, it is Hauerwas's pacifism that sets him at odds with the Christian right, as is evident in his February 2002 exchange with the editors of the journal *First Things* over the war against terrorism—an exchange that led to Hauerwas's resignation from *First Things*'s editorial board last week. Indeed, there was a certain irony when *Time* exalted America's leading Christian pacifist in an issue published only two days before the attacks of September 11.

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Bettmann / CORBIS

A 1965 peace protest in Berkeley, California.

But Hauerwas's pacifism does not fit neatly with generic, secular pacifism. He readily acknowledges the nobility of war and repudiates liberal views of war as rooted in a narrow selfishness; instead, war typically involves a "moral commitment to the good of others." War is a way of "reaffirming our national history" by performing acts that render us worthy heirs to those who have made sacrifices in the past. By contrast, liberal pacifism is often cowardly, in its assumption that death is the greatest evil, and naively utopian, in its assumption that the antiwar movement will eventually issue in world peace.

Far from aligning Christianity with liberalism, Hauerwas's pacifism emerges from a distinctively Christian vision of history and power. Pacifism is a way of giving witness to a higher power, which is "self-emptying and pacific." Hauerwas worries that Christians who participate in war are motivated by an idolatrous desire to "make history turn out right," a desire that denies God's providential control over history. The life of Christ embodies a model of power that eschews all coercion and falsehood.

The vast majority of responses to Hauerwas defend some version of the just-war theory that he rejects. Indeed, in a nice line, he argues that the phrase "just war" is a tautology: If it isn't a just war, then it isn't a war at all. It's merely organized murder.

But Hauerwas's pacifism gives rise to other sorts of difficulties. He puts Christianity in tension not only with war but with any notion of secular justice. The real issue here is how Christians can support any coercive activities of the state: from soldiers to judges to policemen. Hauerwas asserts intimate links between capitalism and war and (in his anti-liberal and anti-utopian pacifism) between the modern state and war. Given these claims, it seems that Christians must be not just "resident aliens" but stalwart—perhaps even seditious—enemies of the state in all its economic and legal functions.

What is most curious about all this is that Hauerwas receives serious, sustained, and principled treatment mostly among Christian conservatives. Liberal theologians tend merely to call Hauerwas names, "sectarian" and "tribal" being the most popular. Hauerwas has, they say, withdrawn from the world and committed himself to the Christian narrative in a way that renders it immune to the challenges of science, politics, and culture.

In one of his most measured essays, "Why the 'Sectarian Temptation' is a Misrepresentation," Hauerwas responds. Christians, he says, are certainly making truth-claims which are in principle open to challenge—but he sees no evidence that science has undermined basic Christian beliefs, nor is he convinced by the Lockean assumption, which informs so much contemporary theology, that what Christianity should be about is promoting toleration. This transformation of the church of Christ into a culture of toleration reflects—and reinforces—the view that religion is principally concerned with universal moral ideals, not with specific truth-claims.

Here's where his virtue ethics kicks in. Hauerwas insists that seeing Christianity as true requires self-transformation, which is possible only in the context of community, a church. The problem, however, is that he's never clear about the actual embodiment of the church. (Notice, for example, his habit of speaking not of "the church" or "a church" but just of "church.") He seems to conceive of the Christian church as an "intergenerational community" whose traditions pass on the stories and teachings of a Christian wisdom and whose sacramental practices initiate individuals into the virtues of the Christian life.

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Many have argued that this necessitates an affirmation of Catholicism, but Hauerwas's relation to the various Christian denominations is a bundle of tensions, if not outright contradictions, as he himself is happy to admit. The editors of *The Hauerwas Reader* speak of his "promiscuous pew hopping" and relate a story that Hauerwas likes to tell about how he almost became a Catholic. He began taking instruction, but discussion with his wife, who is a Methodist minister, led him to rethink the move. He likes to say that one of the reasons he could not become Catholic is that the Catholic Church does not recognize his wife's priesthood.

But, the truth is, neither does her own church—for Methodism rejects the Catholic form of priesthood. One wonders whether Hauerwas's inability to discover an actual church to whose authority he might submit himself is part of what motivates his elevation of pacifism as the key mark of Christianity.

Lacking a church, he is compelled to find something doctrinal with which to identify Christians—and his virtue ethics insists that doctrine issues in immediate ethical consequences, as his view of Christ's precise way of manifesting divinity in and through humanity entails hard pacifism. Indeed, he links pacifism so closely to Christology, that non-pacifists can easily be branded not just moral sinners but full-blown heretics.

Still, however scandalous his pacifism and vision of the church are to Christian conservatives, Stanley Hauerwas is far more a scandal to liberals—precisely because, unlike almost every other theologian in America, he thinks the existence of God actually ought to make a difference in how we behave and how we think. Once, while participating in a *Newsweek* interview with a group of theologians, Hauerwas said in exasperation, "God is killing the church, and we goddamn well deserve it." Chastised for taking the Lord's name in vain, he replied that of all those theologians, "I was the only one who mentioned God's name, and I did it twice." ♦

Michael Novak's Patriotism

How Christian is America?

BY ROBERT P. KRAYNAK

Many intellectuals dream of changing the world, but only a few end up exerting much influence. One of those few is Michael Novak. Born in 1933 into a Slovak-American family in Johnstown, Pennsylvania, Novak went off to the seminary expecting to become a priest—but wound up instead living a remarkable career as a journalist, political activist, philosopher, and theologian.

The Open Church
by Michael Novak
Transaction, 370 pp., $29.95

Three In One
Essays on Democratic Capitalism, 1976-2000
by Michael Novak
Rowman & Littlefield, 344 pp., $26.95

On Two Wings
Humble Faith and Common Sense at the American Founding
by Michael Novak
Encounter, 235 pp., $23.95

The author of more than thirty books—on politics, economics, literature, and even sports—Novak is currently a scholar in residence at the American Enterprise Institute. He was a key figure in the intellectual coalition that supported Ronald Reagan's transformation of American politics. In South America, he was a guiding power in defeating liberation theology. In Poland and Slovakia, he has been awarded the new states' highest medals for his contributions to the fight against Soviet communism. In Rome, the pope has explicitly cited him as an influence. He's been everything from a professor at Harvard, Stanford, and Notre Dame, to the winner of the Templeton prize, to the U.S. ambassador to the U.N. Commission on Human Rights.

The author of Christian Faith and Modern Democracy: God and Politics in the Fallen World, *Robert P. Kraynak teaches political science at Colgate University.*

Looked at in retrospect, Novak's career has followed the typical pattern of a neoconservative intellectual—a journey to the right as his left-wing activism turned into disillusionment and his thought matured. As a Catholic, Novak has paid special attention to the social teaching of the Church as it has been handed down in encyclicals, councils, and doctrines; and he has always sought a theological basis for public policy. His life-long project, one might say, has been the arduous struggle to reconcile his two great loves: Catholicism and American public philosophy.

During the 1960s, Novak championed a progressive Catholicism and New Left politics that put him at odds with American bourgeois democracy and the Vietnam War. But the books he wrote—*The Open Church* (1964), *Belief and Unbelief* (1965), and *A Theology for Radical Politics* (1969)—reveal that even his youthful radicalism was based on theological premises. *The Open Church* has recently been reissued with an introduction in which the Novak of today criticizes the Novak of the 1960s. That combination of new understanding and old text might stand as a primer for future generations: the education of a Catholic neoconservative.

The Novak of the 1960s believed in the *aggiornamento*—the updating of the Catholic Church—that the Second Vatican Council seemed to promise. *The Open Church* is an eyewitness account of

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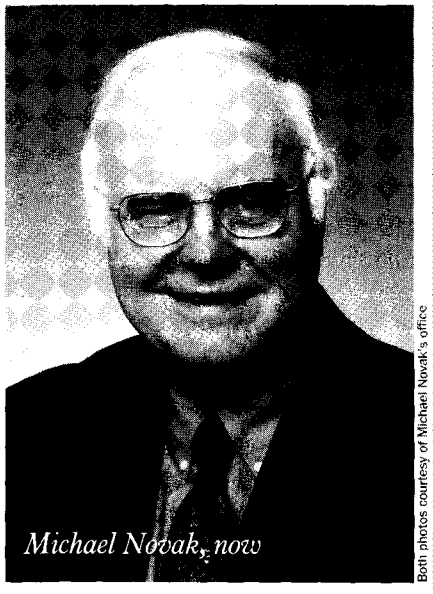
the second phase of Vatican II, which included the crucial debates of 1963 about the structure and role of the Church in the modern world. Novak's vivid report is coherently organized around the distinction between two schools of Catholicism: the old school of pre-Vatican II thinking, which Novak refers to as "non-historical orthodoxy," and the new school, which he calls "historical orthodoxy." Following the lead of Lord Acton's reporting on Vatican I in the 1870s, Novak uses the distinction between the two outlooks to explain the weakness of the old school and the superiority of the new.

In Novak's account, the old school lived under the illusion of unchanging truths, which it held as abstractions from the real world and which shielded it from encounters with modern ideas. It was the "school of fear" that relied on ignorance of history and escapism into the supernatural. Posing as eternal truth, it was merely the Catholicism of the late medieval world, codified in the sixteenth century at the Council of Trent and surviving anachronistically into the twentieth century. By contrast, the new school acknowledged the changing nature of truth and the historical development of doctrine. It also recognized the need for doctrine to fit the experience of living people. For Novak, the historical school's openness to change and demand for faith rooted in concrete experience constituted the "spirit of Vatican II."

The young Novak had few doubts about the superiority of the new school: "The Catholic faith is committed to this world, not to a platonic other world." The reformers of Vatican II believed God's grace was not an abstraction outside the world but an embodiment in the world of persons and institutions—including the modern world. Thus the reforms of Vatican II sought to create a greater role for laymen in the Church, establish collegiality between bishops and the pope, create a role for married deacons, end the dominance of the Latin tradition, redefine the Church as the People of God instead of the Mystical Body of Christ, and advance ecumenism with non-Catholics.

Michael Novak, then



Michael Novak, now

Both photos courtesy of Michael Novak's office

Novak also drew parallels between the Open Church and the Open Society in defending Vatican II's endorsement of religious liberty and constitutional democracy. Although he spoke respectfully of the chief opponent of reform, Cardinal Ottaviani, Novak devoted most of his report to the Council's leaders, Pope John XXIII and Pope Paul VI, and triumphantly discussing such modern theologians as Karl Rahner, Hans Küng, Bernard Lonergan, and the American Jesuit John Courtney Murray, whose once-forbidden thought was warmly received by the council.

But Novak's enthusiasm for the spirit of the Open Church was short-lived. Over the next twenty years, he became disillusioned as the reforms enacted in the name of Vatican II did not bring about the concrete embodiment of faith in modern society that he expected. In 1983, he wrote a *Confession of a Catholic*, attacking the legacy of Vatican II and asking, "What went wrong?" He complained bitterly of a Church that had become little more than "a child of the present age" and cited the decrease in Mass attendance and religious vocations as well as the debasement of liturgical music and disrespect for the Eucharist as evidence of decline.

Yet, even in 1983, Novak made it clear he did not want to return to the pre-Vatican II Church. He sought instead a genuine synthesis of liberty and Catholicism, referring to himself as "a liberal Catholic" and a defender of "neoliberal Catholicism." Much of Novak's *Confession of a Catholic* is repeated in the new introduction to *The Open Church*, but with even harsher judgments on himself. With disarming candor, Novak now says that he is ashamed of what he wrote back in the 1960s. He did not distinguish carefully enough between the "spirit of Vatican II" and the actual written documents of the Council—many of which made crucial distinctions between the unchanging core beliefs of Catholicism and those aspects which are legitimately open to change or development in the modern world. Novak also criticizes his radical excesses: his support for experimental liturgies, his approval of dissent in the Church, his questioning of priestly celibacy—and he expresses deep regret for not spotting the rising star of Vatican II, Bishop Karol Wojtyla, who later became Pope John Paul II. The Polish pope has become Novak's hero for saving the Church from the disastrous misunderstandings of Vatican II and for developing the true theology of the human person and the correct understanding of human liberty.

In hindsight, Novak sees his first steps to the right in the 1980s, when what he tentatively called "neoliberalism" gradually culminated in "neoconservatism." The terms are similar for Novak because the essence of his mature position is a synthesis in which the classical liberalism espoused by John Locke, Adam Smith, and the

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American Founding Fathers is joined with a streamlined version of the Judeo-Christian tradition.

Another label Novak applies to his mature thought is "Catholic Whig" —the tradition of ordered liberty under God that he traces to St. Thomas Aquinas ("the first Catholic Whig") and also finds in Alexis de Tocqueville, Lord Acton, Pope Leo XIII, Jacques Maritain, John Courtney Murray, and John Paul II. But, whatever the label, Novak indicates that his thinking grew out of disillusionment with the false optimism of the utopian left and admiration for modern liberty in the political and economic spheres, combined with traditional religion in the cultural sphere. Taken together, these elements —political liberalism, economic freedom, and religious conservatism—became the three legs of what Novak calls "the spirit of democratic capitalism."

To see how these elements came together, one must read the impressive recent collection of Novak's writings, *Three In One: Essays on Democratic Capitalism, 1976-2000*. The editor, Edward W. Younkins, has selected essays that bring out the distinctively Novakian mission of trying to find a theological or spiritual basis for democratic capitalism. We learn that Novak began his quest when he realized that socialism had never lived up to its promise of helping the poor but continued to mesmerize modern intellectuals because it served as a substitute faith for those who no longer believed in God. To defeat socialism, one needed a religious argument for capitalism to match socialism's appeal as a secular religion.

At first, Novak could think of little more in the way of theological support for capitalism than the doctrine of original sin: Capitalism works because it accepts the fallen nature of man and channels the selfish and acquisitive side of human nature to constructive ends. But he was not satisfied with this pessimistic argument because it implied that capitalism is "not a Christian system, nor a highly humanistic one." As Novak indicates in a fascinating autobiographical essay, "Controversial Engagements," he gradually realized that the positive theological case for capitalism could be made by developing the doctrine of "incarnational humanism" that he learned as a seminarian from the fathers of the Holy Cross. Incarnational humanism takes the traditional Christian notion of the Incarnation—that God became man in the person of Jesus Christ—and expands it by finding the divine presence in the seemingly mundane activities of politics, business, sports, scientific discovery, and human invention. It implies that "grace is everywhere," a quotation Novak took in his early years from Georges Bernanos and never let go.

By expanding incarnational humanism to include free-market economics, Novak became a theological enthusiast for capitalism. "Grace also works in economics," he assured us—with the implication that one can be doing God's work by setting up a business that employs others, that a business career can be a "vocation" in the sense of a calling from God, that the invention of new products can reflect the divine image in man as a creative being, that markets can be spiritual because they have analogies with the Trinity in their unity and differentiation of people, and even that the contempt shown for business by left-wing academics is like the mockery endured by the suffering servant in Isaiah.

This fusion of spirituality and economics rubs many people the wrong way. It seems blasphemous to take the loftiest Christian doctrines—the Incarnation, the Trinity, the redemptive suffering of Christ, the divine gift of grace for salvation—and use them as props for an economic system.

Moreover, the strategy of spiritualizing capitalism masks the genuine contribution Novak made to political economy. Marshaling powerful prudential arguments that capitalist economics has a moral dimension, Novak explained with admirable clarity that capitalism is more noble in practice than it is portrayed in theory. As he demonstrates repeatedly, capitalism can promote moral and political virtues. It is not merely a system of greed, selfish individualism, and acquisitiveness. With considerable ingenuity, he even shows

that capitalism can bring about social justice and a pluralist version of the common good.

Capitalism thus serves human liberty by limiting the centralized power of the state through its emphasis on the private sector. Most people, Novak points out, work in a free-market system not out of greed but to provide for their families, to own their own homes, and to develop their local communities. More, capitalism makes possible the Christian virtue of charity by creating the wealth for voluntary self-giving. Indeed, capitalism is not materialistic in its essence, because it relies most of all on human capital, especially intellectual capital in human invention and new discoveries. It presupposes the "communitarian individual" rather than the isolated and selfish individual (thus resembling team sports, especially baseball). Above all else, capitalism contributes to human dignity by enabling the poor to overcome the historic misery and degradation of poverty.

These are powerful and convincing prudential arguments about the best means for attaining the temporal common good. But Novak has never been willing to limit himself to prudential arguments for democratic capitalism. And his insistence on spiritualizing economics and politics seems to blur the traditional Christian distinction between the spiritual and temporal realms—and thereby exaggerate the harmony of Catholicism and the American way of life.

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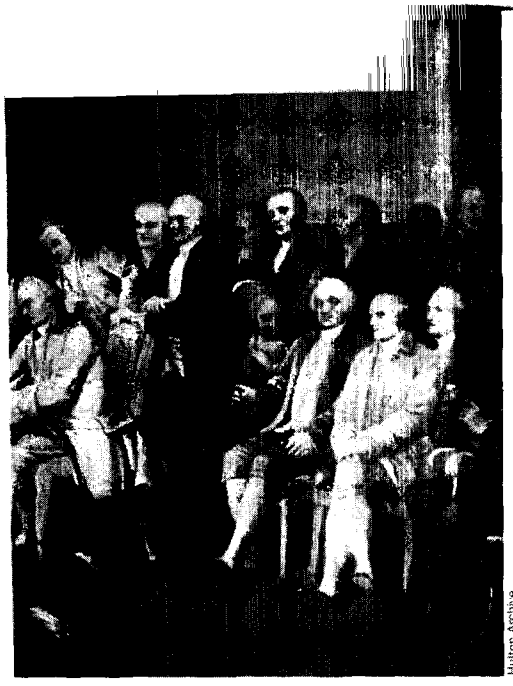

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This problem persists in his latest work, *On Two Wings: Humble Faith and Common Sense at the American Founding*, although it is the most judicious and possibly the best of all his books. While stressing the harmony of the Judeo-Christian tradition and the American founding, *On Two Wings* addresses directly some of the difficulties in sustaining the convergence thesis.

The least controversial aspect of the book is Novak's presentation of documentary evidence showing that the American Founders were not secular Enlightenment rationalists, as they are often portrayed, but creators of a unique American blend of Biblical faith, practical reason, and human liberty. In this endeavor, Novak is largely successful because he is able to cite an abundance of material showing that most of the Founders professed a belief in God as the creator and judge of the universe, defended the notion of God-given natural rights, and insisted that the Christian religion was a necessary foundation for republican virtue.

Yet the ultimate goal of *On Two Wings* is more ambitious than documenting the religious professions of the Founders. Novak's larger thesis is that the Founders were not merely Deists, but men who believed in the revealed religion of the Bible and "Jewish metaphysics." While the Founders imbibed this Jewish or Hebraic worldview through their Protestant Christianity, they combined it with their practical reason as statesmen and came up with something that closely resembles the Catholic Whig philosophy of Thomas Aquinas—the belief in ordered liberty under God and law.

Novak's aim here is to fulfill what is often called the "John Courtney Murray project," which sought not only to demonstrate the harmony of American principles and Catholicism but also to prove that those principles were best grounded in the truth of Catholic natural law. Stated most boldly, Novak's goal, like Murray's before him, is the Catholic refounding of America on principles of Thomistic natural law, now interpreted to mean the rights and dignity of the human person.

Novak is aware of the difficulties faced by his extremely ambitious project, and he makes an impressive effort to surmount them. He specifically raises objections to his thesis in a chapter entitled, "Ten Questions about the Founding." Among the most challenging are "Does America subordinate religion?" and "If Aquinas was the first Whig, why did a regime of religious liberty appear so late?"

The crucial question he avoids, however, is whether there is an ultimate harmony, convergence, or fusion between Catholicism and any earthly political regime. By avoiding this question, Novak never really faces the traditional Christian doctrine that distinguishes (in St. Augustine's formulation) the City of God from the City of man, and views all decisions about politics, economics, and society as prudential choices about a merely temporal good. Novak's commitment to "incarnational humanism" prevents him from engaging this traditional doctrine at the deepest level. His prudential arguments show that democracy and capitalism are compatible with divine law and God's grace operating in the world at the present moment. But it is a big step from there to the claim that democracy and capitalism are absolutely required by divine law and God's grace.

If Novak were more willing to concede that Christian faith permits a prudent or practical alliance with American democracy but does not have an inherent harmony with it, then he might be encouraged to speak more openly about the irreducible tensions between Catholicism and the American way of life.

The corruption of the Catholic clergy revealed in the recent priest-sex scandals—and the feeding frenzy as the media have turned with incredible viciousness on the whole Church—suggest that there are irreducible tensions between the hierarchical structure of the Catholic Church and the norms of democratic America. At a deeper level, we need to ask whether a scheme of natural rights is really compatible with the primacy of duties to God and to one's neighbor commanded by Christianity. Has not the American emphasis on natural rights since the founding contributed to the spiritual decline Novak bemoans? Are the consumer culture and bourgeois character of democratic capitalism really compatible with the spiritual perfection required by the highest religious commands?

There is a sense in which Novak has always been pursuing the same end. Against the anti-modern traditionalism of the pre-Vatican II Church, the radical Michael Novak of the 1960s argued for the compatibility of Christian faith and the modern world. Against the anti-democratic views of liberation theology and socialism, the neoliberal Michael Novak of the 1980s argued for free-market economics in order to maintain high ambitions for human society. And against the anti-religious prejudices of left-wing academics, the Michael Novak of today argues the necessity of a Catholic understanding of the world in order to preserve the political and economic benefits of the American system.

At each point, he has been a tonic for the errors of the age. But at each point, as well, his enthusiasm has carried him beyond the point that even his most sympathetic readers can accept. We still need from Michael Novak the definitive statement he is uniquely qualified to provide. We still need a complete account of the converging and conflicting demands of being a profoundly faithful Catholic and a deeply patriotic American—an account of how to live as a citizen of two worlds while giving to each its proper love and devotion. ♦

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Saudi Arabia hires GOP admen to polish its image.
—News item

Parody

Dear Prince Abdullah,

Thank you for your wonderfully edgy suggestions. While it's true that the United States is largely a Christian nation, in this particular market, the "Jews Drink Christian Blood" campaign may not work, even the witty "Got Blood?" magazine ads. We thought we'd lay down some positive messages first.

For example, here's a script based on some old 1984 GOP advertisements, which ran under the slogan, "Morning in America." I've put the images that would go with the narrative in parentheses:

"It's morning in Saudi Arabia. (Scenes of golden hued sun rising over a desert of oil derricks). All over the country, families are waking up and greeting the new day. (Scenes of Saudi men unchaining their wives from the radiators.) Like every day in Saudi Arabia, it will be a day of hard work (scenes of Palestinians and Filipinos sweeping streets) and conservative family values (images of homosexuals being stoned to death). It will be a day of good times (scenes of Saudi princes having their toenails clipped) and great entertainment (images of thieves having hands chopped off).

"We the people of Saudi Arabia want you to know how much we love America (scenes of massive piles of dollar bills). Certainly we have had our differences in the past (images of airplanes crashing into the World Trade Center). Sometimes you have chosen one set of foreign allies (picture of Winston Churchill), while we have chosen others (picture of Adolf Hitler). But this is not the time to dwell on the past (pictures from OPEC oil embargo). This is the time to focus on the bonds that bring our two peoples together (more images of dollar bills).

"We two nations are much alike. You value and support education (scene of American school), and so do we (scene of Pakistani madrassa). You are a patriotic people, who would sacrifice your lives to keep democracy in America. We, too, are a patriotic people, and we would sacrifice our lives to keep democracy in America. Americans are great risk-takers (images of Henry Ford, Andrew Carnegie, and Bill Gates), and we subsidize risk-taking around our region, too (scenes of 14-year-olds strapping on suicide bomber belts).

"When Saddam Hussein threatened to overrun our borders, you were there for us (images of Desert Storm). When Saddam Hussein threatens to lob a nuclear weapon onto your shores, we like to think we will be there, too (scenes of Crown Prince Abdullah kissing Iraqi minister on the lips).

"Some people spread false information about Saudi Arabia (picture of Star of David). But do not believe them. We offer a compassionate extremism, a Wahhabi-ism of the Heart. God bless Saudi Arabia. And God bless the American infidels."

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Schooling in the Mobile Society

Eric A. Hanushek is the Paul and Jean Hanna Senior Fellow at the Hoover Institution and a member of the Koret Task Force on K–12 Education.

America is a mobile society. In fact that has been one of its strengths; the American labor market adjusts to changes more quickly than virtually any other labor market in the world. But mobility has its costs. Family moves, whether for new job opportunities, improved housing, or adjustment to divorce, lead to frequent changes of schools. These school changes take their toll on some children.

Moreover, **the negative effects of moving are not only experienced by the children who move; all students in high-mobility schools, including nonmovers, tend to be affected.** Teachers must continually adjust to movements in and out of their classrooms, and these adjustments detract from learning.

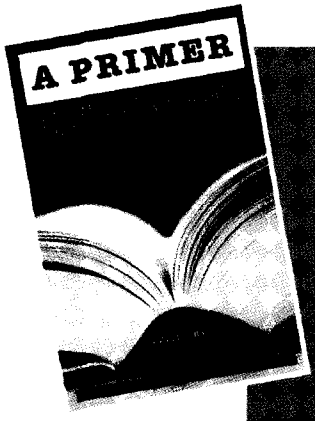
Also, the impact of high mobility is not evenly dispersed across the population, instead falling more heavily on disadvantaged children. Disadvantaged children—who are likely to come to school less well prepared than advantaged children—also move more frequently. These moves are unlikely to lead to any improvements in their schools. Higher-income parents can exercise more choice, taking schools into account when they move because of their ability to choose from a wider variety of housing opportunities. But restricted housing choices plus the concentration of high-mobility families leave lower-income children worse off.

Improving the education of disadvantaged children has been and should be an important policy goal. But **the issue of school mobility highlights the difficulty of policy development.** First, public schools should do more to take mobility into account. The highest mobility rates occur in large central cities, where poor children are likely to go to school. But, while decrying the problems of high mobility, many large systems have not aligned curricula and programs across schools to lessen the disruption of moving. Second, many people argue that improved schooling for poor kids requires more fundamental change, such as school choice, on the grounds that individual schools can develop innovative programs and that these programs can be one of the gains of more parental options.

The two policy options are not necessarily in conflict. Improved school choice mechanisms—ones that separate school attendance from the specifics of residential location—might stabilize schooling for some low-income children. If parents could maintain the same schools for their children even if forced by other circumstances to move, the achievement of low-income students (both moving and nonmoving) might improve. It is difficult to determine, however, whether this effect is sufficient to overcome forces that tend to increase the costs of family moves. As is often the case, developing the best policy outcomes involves trade-offs and experience.

— Eric A. Hanushek

Paid for by the Hoover Institution, Stanford University.



Want to learn more about K–12 education policy?

Visit us on-line at* www.hoover.org *or contact us to receive a complimentary copy of* A Primer on America's Schools*—11 chapters by Hoover's Koret Task Force on K–12 Education.

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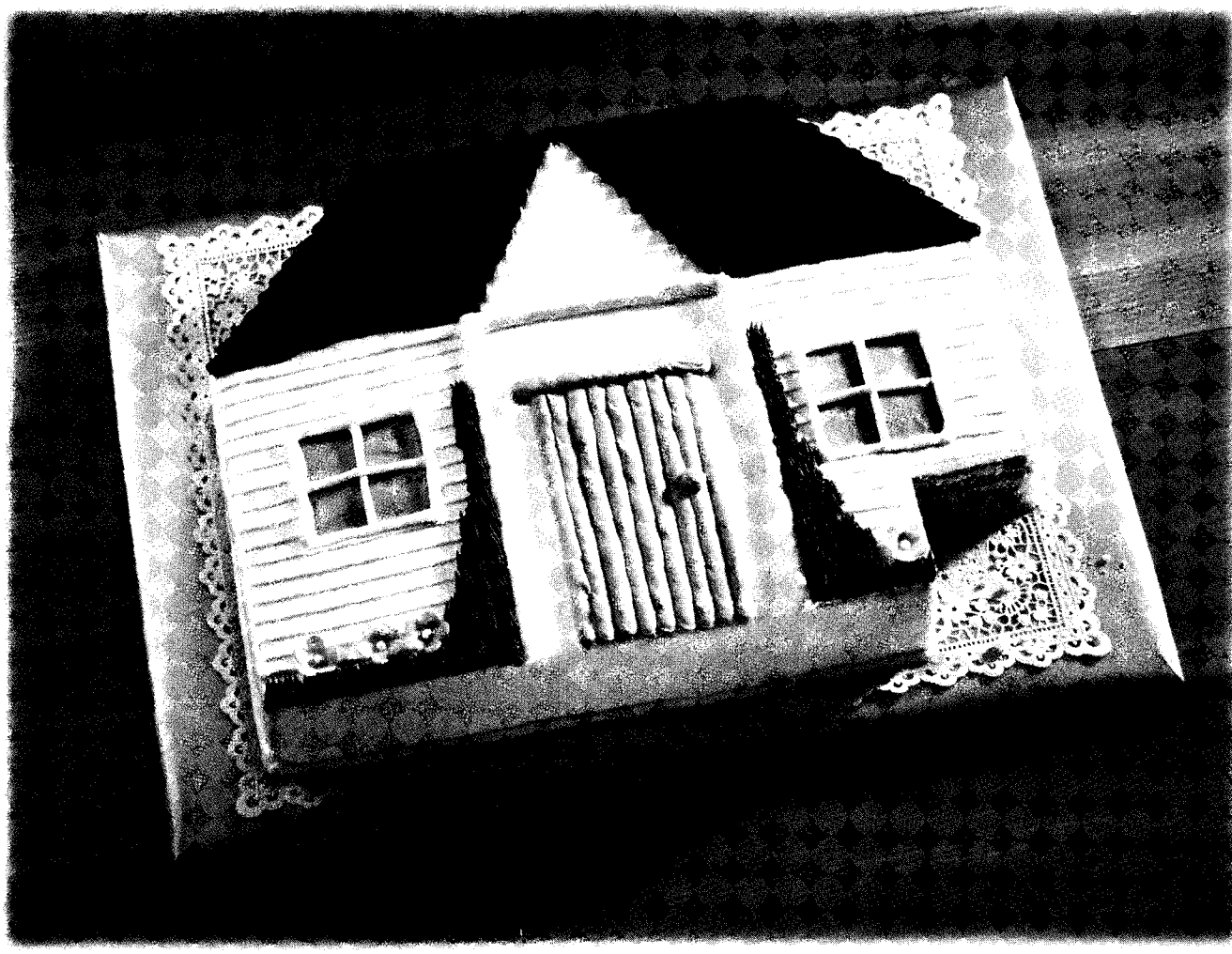

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There are many things to celebrate in America.
With the help of Fannie Mae,
our housing finance system is one of them.

When it comes to housing finance, we've created something special here in America. Because only in America can a home buyer easily secure a 30-year, fixed-rate mortgage with a low down payment.

Without Fannie Mae, this wouldn't have been possible over the years. Our main focus has always been to make mortgages more affordable.

In many other countries home buyers don't have access to long-term, fixed-rate mortgages.

And in the United States, families can become home buyers with as little as three percent down. In Germany, a typical down payment is 30 to 40 percent. In Japan? It's 50 to 60 percent.

At Fannie Mae, we believe the American Dream should be an attainable dream. So we're working to make housing affordable for more and more Americans. And that's something worth celebrating.

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